EXEMPT FROM FILING FEES 1 EDWIN J. RICHARDS (SBN 43855) PURSUANT TO GOVERNMENT Email: Ed.Richards@kutakrock.com 2 CODE § 6103] ANTOINETTE P. HEWITT (SBN 181099) Email: Antoinette.hewitt@kutakrock.com 3 CHRISTOPHER D. GLOS (SBN 210877) Email: Christopher.glos@kutakrock.com 4 KUTAK ROCK LLP **Suite 1500** 5 5 Park Plaza 6 Irvine, CA 92614-8595 Telephone: (949) 417-0999 Facsimile: (949) 417-5394 7 8 Attorneys for Defendants CITY OF PALOS VERDES ESTATES and 9 CHIEF OF POLICE JEFF KEPLEY 10 UNITED STATES DISTRICT COURT 11 CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION 12 Case No. 2:16-cv-02129-SJO-RAO CORY SPENCER, an individual; 13 DIANA MILENA REED, an Assigned to: District Judge: individual; and COASTAL PROTECTION RANGERS, INC., a Hon. S. James Otero; Ctrm: 10C 14 Assigned Discovery: Magistrate Judge: Hon. Rozella A. California non-profit public benefit 15 Oliver corporation, 16 Plaintiffs, CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY'S EVIDENTIARY OBJECTIONS TO PLAINTIFFS' 17 v. 18 LUNADA BAY BOYS; THE **EVIDENCE FILED IN SUPPORT** INDIVIDUAL MEMBERS OF THE OF OPPOSITION TO MOTION 19 LUNADA BAY BOYS, including but not limited to SANG LEE, BRANT FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, 20 BLAKEMAN. ALAN JOHNSTON SUMMARY ADJUDICATION aka JALIAN JOHNSTON, 21 MICHAEL RAE PAPAYÂNS [Filed concurrently with Reply, ANGELO FERRARA, FRANK Declaration of Christopher D. Glos; 22 FERRARA, CHARLIÈ FERRARA Opposition & Objections to Request for and N.F.; CITY OF PALOS VERDES ESTATES; CHIEF OF Judicial Notice: Response to Additional 23 Material Facts POLICE JEFF KEPLEY, in his September 5, 2017 Date: 24 representative capacity; and DOES 1-Time: 10:00 a.m. 10, Ctrm.: 10C; Hon. S. JAMES OTERO 25 Defendants. Complaint Filed: March 29, 2016 26 November 7, Trial: 2017 27 28

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley ("City") hereby submit the following evidentiary objections to Plaintiffs' Evidence filed in support of the City's Motion for Summary Judgment, or in the alternative, Summary Adjudication.

OBJECTIONS TO DECLARATIONS FILED BY PLAINTIFFS IN SUPPORT OF PLAINTIFFS' OPPOSITION TO CITY MOTION FOR **SUMMARY JUDGMENT**

Declaration of Kurt A. Franklin submitted In support of Plaintiffs' Α. Opposition to City Motion for Summary Judgment, or in the alternative, Summary Adjudication dated August 1, 2017.

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
1. <u>Paragraph 17, p. 4:16-19</u>	Objection. The City objects	SUSTAINED
"Attached hereto as Exhibit 16	to this statement to the extent	
is a true and correct copy of a	the declarant fails to	OVERRULED
transcript of selected excerpts	sufficiently authenticate the	
from the DVD of Swell Life of	documents referenced. (Fed.	
Browne and Peter McCollum.	R. Evid. 901.) The City	
The DVD is being lodged	further objects on the basis	
separately with the Court. I	that this statement constitutes	
caused my office to transcribe	inadmissible hearsay. (Fed.	
statements made by Peter	R. Evid. 801, 802.) The City	
McCollum in the	objects to this statement as	
documentary."	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402).	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
2. <u>Paragraph 18, p. 4:20-26</u>	Objection. The City objects	SUSTAINED
"My co-counsel in this matter,	to this statement to the extent	
Victor Otten, is lodging a true	the declarant fails to	_OVERRULED
and correct copy of the	sufficiently authenticate the	
locumentary The Swell Life	documents referenced. (Fed.	
2001), Darren McInerney,	R. Evid. 901.) The City	
Director, which documents	further objects on the basis	
surfing localism. A true and	that this statement constitutes	
correct copy of this video, bates	inadmissible hearsay. (Fed.	
PLTF002249, is Exhibit 34 to	R. Evid. 801, 802.) The City	
his declaration and is lodged	objects to this statement as	
with the court. See Plaintiffs'	lacking relevance to the	
Notice of Lodging. In	instant litigation. (Fed. R.	
particular, Plaintiffs are lodging	Evid. 401, 402).	
excerpts from the Swell Life		
video showing declarations		
against interest made by Peter		
McCollum and Chief Timm		
Browne as identified more		
specifically in Paragraphs 19		
and 20."		
3. <u>Paragraph 19, p. 4:27-</u>	Objection. The City objects	SUSTAINED
<u>5:1-11</u>	to this statement to the extent	
"Lunada Bay local Peter	the declarant fails to	_OVERRULED
McCollum on video shown in	sufficiently authenticate the	

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
the documentary (5:14	documents referenced. (Fed.	
seconds to 5:31, and 15:05 to	R. Evid. 901.) The City	
15:19) Witness Geoffrey	further objects on the basis	
Hagins observed Mr.	that this statement constitutes	
McCollum on this day, and	inadmissible hearsay. (Fed.	
authenticates the video	R. Evid. 801, 802.) The City	
excerpts accurately portray	objects to this statement as	
what happened that day. See	lacking relevance to the	
Hagins Decl. ¶¶ 3, 6, and 7.	instant litigation. (Fed. R.	
Further, I caused my office to	Evid. 401, 402).	
ranscribe what Mr.		
McCollum says in the video,		
which is: "He won't surf here		
again, though, got it? Got it?		
You got that, son? You got		
it? Hey, hey, I'm touching		
nobody. Nothing. But you		
won't surf here again, boy.		
You won't surf here again.		
Fuck that, fuck you guys! I've		
been here too long to take		
this shit." (5:14 seconds to		
5:31). And, "How many guys		
are at Malibu right now, huh?		
How many fucking guys are		

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	TO	OBJECTION(S)	KCLIVG
3	at Malibu, huh? (I don't		
4	know.) Did you ever notice		
5	we've done a good thing here,		
6	haven't we? It's pretty nice		
7	and pretty, huh? (It's		
8	beautiful.) It's beautiful! And		
9	so when you exploit it, we'll		
10	thank you." (15:05 to		
11	15:19)."		
12			
13	4. <u>Paragraph 20, p. 5:12-</u>	Objection. The City objects	SUSTAINED
14	<u>26</u>	to this statement to the extent	
15	"Lunada Bay Chief of Police	the declarant fails to	OVERRULED
16	Timm Browne, is also	sufficiently authenticate the	
17	depicted in the documentary.	documents referenced. (Fed.	
18	I caused my office to	R. Evid. 901.) The City	
19	transcribe what Chief	further objects on the basis	
20	Browne says in the video,	that this statement constitutes	
21	which is: "In 1995, there	inadmissible hearsay. (Fed.	
22	were some incidents actually	R. Evid. 801, 802.) The City	
23	provoked by outsiders who	objects to this statement as	
24	brought news crews with	lacking relevance to the	
25	them. Umm, they had it	instant litigation. (Fed. R.	
26	planned and then provoked	Evid. 401, 402).	
27	incidents that are actually		
28	captured on local television		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
news spots. People here do		
not like outsiders in general.		
Umm, I mean, they pay a		
price to live here. Umm, they		
have beautiful views of the		
ocean from most of the		
homes in the City. Umm, so,		
uh, they are protective of		
their community as a whole,		
umm, I mean surfers or non-		
surfers." (13:44 to 14:39)		
And, "The people that live in		
and around that area and then		
surf there do not want		
pictures taken because it is a		
gem. They don't want people		
to know where it specifically		
it is. If everybody knows		
where it is, then we'll have all		
8 million surfers from Los		
Angeles in that little tiny		
cove?" (14:37 to 15:04)		
During the deposition of		
Tony Best, I showed him this		
same video and he was able		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
to confirm it was Timm		
Brown, whom he had worked		
under. See PAMF 163, and		
Best Depo. 124:22-25, 125:1-		
25, 126:1-25, 127:1-13."		
5. <u>Paragraph 21, p. 5:27-</u>	Objection. The City refers to	SUSTAINED
<u>6:1-3</u>	and incorporates by reference	
"From The Los Angeles	its Opposition and Objection	OVERRULED
Times Website, I downloaded	to Plaintiffs' Request for	
the following articles, true	Judicial Notice. The City	
and correct copies of which	further objects on the basis	
are attached as Exhibits A	that this statement constitutes	
and B to Plaintiffs' Request	inadmissible hearsay. (Fed.	
for Judicial Notice, as	R. Evid. 801, 802.)	
specifically detailed in		
Paragraphs 22 and 23."		
6. Paragraph 22, p. 6:4-9	Objection. The City refers to	SUSTAINED
"The Los Angeles Times,	and incorporates by reference	
July 5, 1991, Tim Waters,	its Opposition and Objection	OVERRULED
"The Hazards of Surfing	to Plaintiffs' Request for	
Lunada Bay: Peninsula:	Judicial Notice. The City	
Outsiders run the risk of	further objects on the basis	
being pelted with rocks or	that this statement constitutes	
having their vehicles	inadmissible hearsay. (Fed.	

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
vandalized. The locals offer	R. Evid. 801, 802.)	
no apologies for treating the		
public area as if it was their		
own." This article is available		
online through The Los		
Angeles Times website at:		
http://articles.latimes.com/19		
91-07-05/local/me-		
1657_1_lunada-bay;"		
		SUSTAINED
"The Los Angeles Times,	and incorporates by reference	
May 8, 1995, Tony Perry,	its Opposition and Objection	OVERRULED
Turf Wars Spoil Sanctity of	to Plaintiffs' Request for	
Southland Surf Beaches:	Judicial Notice. The City	
Violence: Popularity leads to	further objects on the basis	
crowding. Charges that one	that this statement constitutes	
group attacked outsiders	inadmissible hearsay. (Fed.	
highlight the problem." This	R. Evid. 801, 802.)	
article is available online		
through The Los Angeles		
Times website at:		
http://articles.latimes.com/19		
95-05-08/news/mn-		
63795_1_lunada-bay."		
	vandalized. The locals offer no apologies for treating the public area as if it was their own." This article is available online through The Los Angeles Times website at: http://articles.latimes.com/19 91-07-05/local/me- 1657_1_lunada-bay;" 7. Paragraph 23, p. 6:10-14 "The Los Angeles Times, May 8, 1995, Tony Perry, Turf Wars Spoil Sanctity of Southland Surf Beaches: Violence: Popularity leads to crowding. Charges that one group attacked outsiders highlight the problem." This article is available online through The Los Angeles Times website at: http://articles.latimes.com/19 95-05-08/news/mn-	vandalized. The locals offer no apologies for treating the public area as if it was their own." This article is available online through The Los Angeles Times website at: http://articles.latimes.com/19 91-07-05/local/me- 1657 1 lunada-bay;" 7. Paragraph 23, p. 6:10-14 "The Los Angeles Times, May 8, 1995, Tony Perry, Turf Wars Spoil Sanctity of Southland Surf Beaches: Violence: Popularity leads to crowding. Charges that one group attacked outsiders highlight the problem." This article is available online through The Los Angeles Times website at: http://articles.latimes.com/19 95-05-08/news/mn-

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	,
3	8. Paragraph 24, p. 6:15-20	Objection. The City refers to	SUSTAINED
4	"From Bureau of Justice	and incorporates by reference	
5	Statistics, I downloaded a	its Opposition and Objection	OVERRULED
6	December 29, 2016 report by	to Plaintiffs' Request for	
7	Todd D. Minton and Zhen	Judicial Notice. The City	
8	Zeng, Ph.D. from the Bureau of	further objects on the basis	
9	Justice Statistics entitled "Jail	that this statement constitutes	
10	Inmates In 2015." This report is	inadmissible hearsay. (Fed.	
11	available online through the	R. Evid. 801, 802.) The City	
12	Bureau of Justice Statistics	objects to this statement as	
13	website at:	lacking relevance to the	
14	https://www.bjs.gov/index.cfm	instant litigation. (Fed. R.	
15	?ty=pbdetail&iid=5872 A true	Evid. 401, 402). The	
16	and correct copy of this report	declarant's statements do not	
17	is attached as Exhibits C to	make relevant facts more or	
18	Plaintiffs' Request for Judicial	less probable, and are of no	
19	Notice."	consequence in determining	
20		this action.	
21	9. Paragraph 28, p. 7:26-8:6	Objection The City objects	SUSTAINED
22	9. Paragraph 28, p. 7:26-8:6 "My co-counsel Victor Otten	Objection. The City objects to this statement to the extent	SUSTAINED
23	obtained video of Officer Aaron	the declarant fails to	OVERRULED
24			O VERRULED
25	Belda interacting with an event	sufficiently authenticate the documents referenced. (Fed.	
26	participant at Coastal Protection Rangers' 2017 Martin Luther	,	
27	Rangers' 2017 Martin Luther	R. Evid. 901.)	
28	King Jr., whom was intending		

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
to file a complaint about		
violation of the local surfing		
ordinance. In it, Officer Belda		
tells the event participant: "I'm		
not a surfer, so I don't		
understand surfing etiquette.		
And I don't even know what		
dropping in is." A true and		
correct copy of this video, bates		
PLTF002250, is Exhibit 36 to		
this declaration and is lodged		
with the Court. See PAMF 187,		
Best Depo. 130:23-25, 131:1-3,		
131:18-24; see also Plaintiffs'		
Notice of Lodging."		
10. Paragraph 33, p. 9:6-9	Objection. The City objects	SUSTAINED
"Attached hereto as Exhibit 22	to this statement and the	
is a true and correct copy of the	referenced document on the	_OVERRULED
City of Palos Verdes Estates	grounds that it relates to	
and Chief of Police Jeff	Plaintiffs' Motion for Class	
Kepley's Responses in	Certification, which this	
Opposition to the Separate	Court denied. (See Dkt. No.	
Statement of Undisupted [sic]	225.) Plaintiffs are	
Facts In Support of Plaintiffs'	improperly attempting to	
Motion for Class Certification	inject certification issues into	
	to file a complaint about violation of the local surfing ordinance. In it, Officer Belda tells the event participant: "I'm not a surfer, so I don't understand surfing etiquette. And I don't even know what dropping in is." A true and correct copy of this video, bates PLTF002250, is Exhibit 36 to this declaration and is lodged with the Court. See PAMF 187, Best Depo. 130:23-25, 131:1-3, 131:18-24; see also Plaintiffs' Notice of Lodging." 10. Paragraph 33, p. 9:6-9 "Attached hereto as Exhibit 22 is a true and correct copy of the City of Palos Verdes Estates and Chief of Police Jeff Kepley's Responses in Opposition to the Separate Statement of Undisupted [sic] Facts In Support of Plaintiffs'	to file a complaint about violation of the local surfing ordinance. In it, Officer Belda tells the event participant: "I'm not a surfer, so I don't understand surfing etiquette. And I don't even know what dropping in is." A true and correct copy of this video, bates PLTF002250, is Exhibit 36 to this declaration and is lodged with the Court. See PAMF 187, Best Depo. 130:23-25, 131:1-3, 131:18-24; see also Plaintiffs' Notice of Lodging." 10. Paragraph 33, p. 9:6-9 "Attached hereto as Exhibit 22 is a true and correct copy of the City of Palos Verdes Estates and Chief of Police Jeff Kepley's Responses in Opposition to the Separate Statement of Undisupted [sic] Facts In Support of Plaintiffs' improperly attempting to

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
[Docket No. 189]."	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	
	objects to this statement as	
	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402).	
1. Paragraph 34, p. 10-12	Objection. The City objects	SUSTAINED
" Attached hereto as Exhibit 23	to this statement and the	
is a true and correct copy of the	referenced document on the	OVERRULED
Declaration of Mark Slatten in	grounds that it relates to	
Support of Plaintiffs' Motion	Plaintiffs' Motion for Class	
for Class Certification [Docket	Certification, which this	
No. 159-6]."	Court denied. (See Dkt. No.	
140. 137-0].	225.) Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	TO	OBJECTION(S)	
3		issues are unrelated to the	
4		motion now before the Court.	
5		On that basis, the City also	
6		objects to this statement as	
7		lacking relevance to the	
8		instant litigation. (Fed. R.	
9		Evid. 401, 402). To the	
10		extent the Court considers	
11		Plaintiffs' class certification	
12		documents, the City refers to	
13		and incorporates its	
14		Evidentiary Objections, filed	
15		at Dkt. No 188.	
16	12. Paragraph 35, p. 9"13-15	Objection The City objects	CHICTAINED
17		Objection. The City objects to this statement and the	SUSTAINED
18	"Attached hereto as Exhibit 24		OVEDDIJI ED
19	is a true and correct copy of the Declaration of Diana Milena		OVERRULED
20		grounds that it relates to Plaintiffs' Motion for Class	
21	Reed in Support of Plaintiffs' Motion for Class Certification	Certification, which this	
22	[Docket No. 159-5]."	Court denied. (See Dkt. No.	
23	[Docket No. 139-3].	225.) Plaintiffs are	
24		improperly attempting to	
25		inject certification issues into	
26			
27		these summary judgment	
28		proceedings. Issues of	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		certification have already	
4		been determined, and those	
5		issues are unrelated to the	
6		motion now before the Court.	
7		On that basis, the City also	
8		objects to this statement as	
9		lacking relevance to the	
10		instant litigation. (Fed. R.	
11		Evid. 401, 402). To the	
12		extent the Court considers	
13		Plaintiffs' class certification	
14		documents, the City refers to	
15		and incorporates its	
16		Evidentiary Objections, filed	
17		at Dkt. No 188.	
18	12 P 1 26 0 16 10		CLICTABLED
19	13. <u>Paragraph 36, p. 9:16-18</u>	Objection. The City objects	SUSTAINED
20	"Attached hereto as Exhibit 25	to this statement and the	OVEDDIN ED
21	is a true and correct copy of the	referenced document on the	OVERRULED
22	Declaration of Cory Spencer in	grounds that it relates to	
23	Support of Plaintiffs' Motion	Plaintiffs' Motion for Class	
24	for Class Certification [Docket	Certification, which this	
25	No. 159-4]."	Court denied. (See Dkt. No.	
26		225.) Plaintiffs are	
27		improperly attempting to	
28		inject certification issues into	

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		these summary judgment	
4		proceedings. Issues of	
5		certification have already	
6		been determined, and those	
7		issues are unrelated to the	
8		motion now before the Court.	
9		On that basis, the City also	
10		objects to this statement as	
11		lacking relevance to the	
12		instant litigation. (Fed. R.	
13		Evid. 401, 402). To the	
14		extent the Court considers	
15		Plaintiffs' class certification	
16		documents, the City refers to	
17		and incorporates its	
18		Evidentiary Objections, filed	
19		at Dkt. No 188.	
20			
21	14. <u>Paragraph 37, p. 9:19-21</u>	Objection. The City objects	SUSTAINED
22	"Attached hereto as Exhibit 26	to this statement and the	
23	is a true and correct copy of the	referenced document on the	OVERRULED
24	Expert Declaration of Peter	grounds that it relates to	
25	Neushul in Support of	Plaintiffs' Motion for Class	
26	Plaintiffs' Motion for Class	Certification, which this	
27	Certification [Docket No. 184-	Court denied. (See Dkt. No.	
28	1]."	225.) Plaintiffs are	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	TO	OBJECTION(S)	
3		improperly attempting to	
4		inject certification issues into	
5		these summary judgment	
6		proceedings. Issues of	
7		certification have already	
8		been determined, and those	
9		issues are unrelated to the	
10		motion now before the Court.	
11		On that basis, the City also	
12		objects to this statement as	
13		lacking relevance to the	
14		instant litigation. (Fed. R.	
15		Evid. 401, 402). To the	
16		extent the Court considers	
17		Plaintiffs' class certification	
18		documents, the City refers to	
19		and incorporates its	
20		Evidentiary Objections, filed	
21		at Dkt. No 188.	
22	15 5 1 20 0 20 24		CUCTAINED
23	15. <u>Paragraph 38, p. 9:22-24</u>	Objection. The City objects	SUSTAINED
24	"Attached hereto as Exhibit 27	to this statement and the	OVEDDITE
25	is a true and correct copy of the	referenced document on the	OVERRULED
26	Declaration of Amin Akhavan	grounds that it relates to	
27	in Support of Plaintiffs' Motion	Plaintiffs' Motion for Class	
28	for Class Certification [Docket	Certification, which this	

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MATERIAL OBJECT	CED GROUNDS FOR	RULING
ТО	OBJECTION(S)	
No. 171]."	Court denied. (See Dkt. No.	
	225.) Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	
	objects to this statement as	
	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402). To the	
	extent the Court considers	
	Plaintiffs' class certification	
	documents, the City refers to	
	and incorporates its	
	Evidentiary Objections, filed	
	at Dkt. No 188.	
16. <u>Paragraph 39, p. 9:</u>		SUSTAINED
"Attached hereto as Exhib		
is a true and correct copy		OVERRULEI
Declaration of Christophe	grounds that it relates to	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
Taloa in Support of Plaintiffs'	Plaintiffs' Motion for Class	
Motion for Class Certification	Certification, which this	
[Docket No. 159-10]."	Court denied. (See Dkt. No.	
	225.) Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	
	objects to this statement as	
	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402). To the	
	extent the Court considers	
	Plaintiffs' class certification	
	documents, the City refers to	
	and incorporates its	
	Evidentiary Objections, filed	
	at Dkt. No 188.	
17 D 1 40 10 12		OLIOTA PATE
17. Paragraph 40 p. 10:1-3	Objection. The City objects	SUSTAINEI
"Attached hereto as Exhibit 29	to this statement and the	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
is a true and correct copy of the	referenced document on the	OVERRULED
Declaration of Jordan Wright	grounds that it relates to	
Spencer [sic] in Support of	Plaintiffs' Motion for Class	
Plaintiffs' Motion for Class	Certification, which this	
Certification [Docket No. 159-	Court denied. (See Dkt. No.	
9]."	225.) Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	
	objects to this statement as	
	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402). To the	
	extent the Court considers	
	Plaintiffs' class certification	
	documents, the City refers to	
	and incorporates its	
	Evidentiary Objections, filed	
	at Dkt. No 188.	

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
18. <u>Paragraph 41, p. 10:4-6</u>	Objection. The City objects	SUSTAINED
"Attached hereto as Exhibit 30	to this statement and the	
is a true and correct copy of the	referenced document on the	OVERRULED
Declaration of Ricardo G.	grounds that it relates to	
Pastor in Support of Plaintiff's	Plaintiffs' Motion for Class	
Motion for Class Certification	Certification, which this	
[Docket No. 175]."	Court denied. (See Dkt. No.	
	225.) Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	
	objects to this statement as	
	lacking relevance to the	
	instant litigation. (Fed. R.	
	Evid. 401, 402). To the	
	extent the Court considers	
	Plaintiffs' class certification	
	documents, the City refers to	
	and incorporates its	
L	·	1

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
	Evidentiary Objections, filed	
	at Dkt. No 188.	
19. <u>Paragraph 42, p. 10:7-10</u>	Objection. The City objects	SUSTAINED
Attached hereto as Exhibit 31	to this statement and the	
s a true and correct copy of the	referenced document on the	OVERRULED
Declaration of Philip King in	grounds that it relates to	
Support of Plaintiffs' Motion	Plaintiffs' Motion for Class	
for Class Certification [Docket	Certification, which this	
No. 184-2].	Court denied. (See Dkt. No.	
	225.) The Court granted the	
	City's Motion to Strike	
	portions of the King	
	Declaration, which should	
	remain excluded for the	
	purposes of evaluating the	
	City's motion. Plaintiffs are	
	improperly attempting to	
	inject certification issues into	
	these summary judgment	
	proceedings. Issues of	
	certification have already	
	been determined, and those	
	issues are unrelated to the	
	motion now before the Court.	
	On that basis, the City also	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		objects to this statement as	
4		lacking relevance to the	
5		instant litigation. (Fed. R.	
6		Evid. 401, 402). To the	
7		extent the Court considers	
8		Plaintiffs' class certification	
9		documents, the City refers to	
10		and incorporates its	
11		Evidentiary Objections, filed	
12		at Dkt. No 188.	
13	20 P 1 42 10 10		CHCEADIED
14	20. <u>Paragraph 43, p. 10:10-</u>	Objection. The City objects	SUSTAINED
15	13 	to this statement and the	OTTEDDAY ED
16	"Attached hereto as Exhibit 32	referenced document on the	OVERRULED
17	is a true and correct copy of the	grounds that it relates to	
18	Declaration of Philip King in	Plaintiffs' Motion for Class	
19	Support of Plaintiffs'	Certification, which this	
20	Opposition to Defendants City	Court denied. (See Dkt. No.	
21	of Palos Verdes Estates and	225.) The Court granted the	
22	Chief of Police Jeff Kepley's	City's Motion to Strike	
23	Motion to Strike the	portions of the King	
24	Declaration of Philip King	Declaration, which should	
25	[Docket No. 216-1]."	remain excluded for the	
26		purposes of evaluating the	
27		City's motion. Plaintiffs are	
28		improperly attempting to	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	TO	OBJECTION(S)	
3		inject certification issues into	
4		these summary judgment	
5		proceedings. Issues of	
6		certification have already	
7		been determined, and those	
8		issues are unrelated to the	
9		motion now before the Court.	
0		On that basis, the City also	
1		objects to this statement as	
2		lacking relevance to the	
3		instant litigation. (Fed. R.	
4		Evid. 401, 402). To the	
5		extent the Court considers	
6		Plaintiffs' class certification	
7		documents, the City refers to	
8		and incorporates its	
9		Evidentiary Objections, filed	
0		at Dkt. No 188.	
1	21 D 1 45 10 17		CHCTAINED
	21. <u>Paragraph 45, p. 10:17-</u>	Objection. The City objects	SUSTAINED
	11:7	to this statement and the	OVEDBIH ED
	"Two reporters from The	referenced document, since it	OVERRULED
	Guardian recorded their	was not included in the	
	interactions with local surfers at	declarant's original	
	Lunada Bay, including	declaration. (<i>Compare</i> Dkt.	
8 1	Defendant Sang Lee, and Palos	Nos. 305, 324.) This	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Verdes Estates Police	constitutes new matter that	
Department Service Officer	was not timely submitted to	
Catherine Placek. This video	the Court in advance of	
was reported by The Guardian,	Plaintiffs' opposition	
R. Carroll and N. Smith, on	deadline. (See Standing	
Monday, May 18, 2015, titled	Order for Civil Cases	
"Surfer turf wars in California:	Assigned to Judge S. James	
'We'll burn you every single	Otero, p. A-16, ¶ 29.) The	
wave" and was also produced	City further objects on the	
in discovery by Plaintiffs at	basis that this statement	
Bates PLTF002054. In the	constitutes inadmissible	
video, at 1:08 to 1:35 secs.,	hearsay. (Fed. R. Evid. 801,	
Service Officer Placek states:	802.)	
"We know all of them. They are		
infamous around here. They are		
pretty much grown men in little		
mens' mindset. They don't like		
anyone that's not one of the Bay		
Boys surfing down there. It		
literally is like a game with kids		
on a schoolyard to them. And		
they don't want you playing on		
their swing set. But, you know,		
it is what it is. If you feel		
uncomfortable, you know, then		

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
don't do it." See PAMF 166.		
Placek's statements were		
authenticated by her in terms of		
substance, meaning, and intent.		
See PAMF 166, 171, 177 and		
195. A true and correct copy of		
The Guardian, R. Carroll and		
N. Smith, Monday, May 18,		
2015, "Surfer turf wars in		
California: 'We'll burn you		
every single wave'" is attached		
as Exhibit 37 and can also be		
found on The Guardian website		
at		
https://www.theguardian.com/tr		
avel/video/2015/may/18/califor		
nia-surf-wars-lunada-bay-		
localism-video."		
/// ///		
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B. Declaration of Alicia Apostol submitted In support of Plaintiffs' Opposition to City's Motion for Summary Judgment, or in the alternative, Summary Adjudication dated July 31, 2017:

4	I		
5	MATERIAL OBJECTED	GROUNDS FOR	RULING
6	ТО	OBJECTION(S)	
7	22. <u>Paragraph 3, p. 3:1-17</u>	Objection. The City objects	SUSTAINED
8	"CPR's mission is simple: We	to this statement as lacking	
9	are advocates of coastal access	relevance to the instant	_OVERRULED
10	for all, with an emphasis on	litigation. (Fed. R. Evid. 401,	
11	inclusion and diversity. We are	402). The declarant's	
12	passionate about protecting,	statements do not make	
13	preserving and enhancing the	relevant facts more or less	
14	coastline, beaches and coastal	probable, and are of no	
15	zones of California for access	consequence in determining	
16	and use by all members of the	this action. This statement	
17	public. And, given the	lacks relevance, insofar as it	
18	underfunding of State agencies	fails to demonstrate a	
19	and potential for money-backed	material fact or injury	
20	interests intent on harming	pertinent to Plaintiffs'	
21	coastal access, we believe it is	violation of equal protection	
22	up to CPR, other coastal	claim, and shows that CPR	
23	advocacy groups, and	lacks standing in this action	
24	grassroots volunteers to take	for violation of equal	
25	the lead in preserving and	protection. "[P]ersons who	
26	protecting our coast for the	have never sought the	
27	benefit of all for the	protection of the Palos	

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KUTAK ROCK LLP ATTORNEYS AT LAW IRVINE

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
generations to come. We are	Verdes Police Department	
purposefully broadening the	vis-à-vis the LBB do not have	
coastal advocacy movement by	viable Equal Protection	
focused outreach and	Claims against the City	
engagement. Environmental	Defendants, for they have not	
justice and civil rights	been denied 'equal protection	
organizations are top of mind	of the laws' by the City, its	
in our efforts. We believe a	police department, or	
diverse population should use	Kepley." (See Dkt. No. 225,	
and have equal access to the	p. 13.)	
California Coast, and believe		
that historical discrimination		
and its remnants keep diverse		
communities from using our		
beaches. And, we are		
committed to the proposition		
that California's coast belongs		
to all and that no one should be		
excluded as an "outsider"		
because of (i) the persons race,		
color, or ethnicity, (ii) the		
persons gender, (iii) the		
persons sexual orientation, (iv)		
the persons financial means or		
income, and (v) where a person		

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
grew up, or currently lives."		
23. Paragraph 4, p. 3:18-4:4	Objection. The City objects	SUSTAINED
"CPR's board members and/or	to this statement as lacking	
volunteers of the organization	relevance to the instant	_OVERRULED
are surfers and/or enjoy the	litigation. (Fed. R. Evid. 401,	
beach and grew up in areas near	402). The declarant's	
Palos Verdes Estates such as	statements do not make	
Redondo Beach, Rancho Palos	relevant facts more or less	
Verdes, Hermosa Beach and	probable, and are of no	
Torrance. They would have	consequence in determining	
liked to have surfed, dived,	this action. This statement	
taken photographs, hiked, or	lacks relevance, insofar as it	
even just enjoyed nature and	fails to demonstrate a	
he beach at Lunada Bay but	material fact or injury	
were afraid to because of the	pertinent to Plaintiffs'	
reputation that it had for	violation of equal protection	
localism. For example, board	claim, and shows that CPR	
member Dave Leuck grew up	lacks standing in this action	
in Redondo Beach. Having	for violation of equal	
surfed since the age of 8, lived	protection. "[P]ersons who	
in Hawaii for two years, and	have never sought the	
having spent six months surfing	protection of the Palos	
Mainland Mexico, he has the	Verdes Police Department	
skill to surf Lunada Bay on	vis-à-vis the LBB do not have	
good days. Yet, until the CPR	viable Equal Protection	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
sponsored its Martin Luther	Claims against the City	
King Day event on January 16,	Defendants, for they have not	
2017, he had never been able to	been denied 'equal protection	
surf there because of the	of the laws' by the City, its	
problem with localism. The	police department, or	
same is true for Ian Stenehjem	Kepley." (See Dkt. No. 225,	
who grew up in Rancho Palos	p. 13.) The City objects to	
Verdes (a different city than	this statement as inadmissible	
Palos Verdes Estates) just 2	speculation. (See Visser v.	
niles from Lunada Bay and has	Packer Engineering Assocs,	
surfed his entire life. Ian is a	Inc., 924 F.2d 655, 659-660	
pilot for a major airline and has	(7th Cir. 1991).)	
surfed the best breaks in the		
world for the last 20 years but		
nad never been able to surf the		
break closest to where he grew		
up because of the locals."		
24. <u>Paragraph 5, p. 4:5-17</u>	Objection. The City objects	SUSTAINED
"Upon information and belief,	to this statement as	
around December 2015, CPR	inadmissible speculation.	OVERRULED
President Mark Slattan read an	(See Visser v. Packer	OVERRULED
article in <i>The Los Angeles</i>	Engineering Assocs, Inc., 924	
	F.2d 655, 659-660 (7th Cir.	
Times about a dispute the	,	
Coastal Commission was	1991).) The City objects to	
having with the City of Palos	this statement on the grounds	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Verdes Estates regarding an	that it constitutes	
illegal structure at Lunada Bay	inadmissible hearsay. (Fed.	
and the issue of localism. Mr.	R. Evid. 801, 802.) This	
Slattan was surprised that about	statement lacks foundation.	
the fact that the City seemed to	"A witness may testify to a	
be challenging the authority of	matter only if evidence is	
the Coastal Commission.	introduced sufficient to	
CPR's attorney and Mr. Slattan	support a finding that the	
researched bringing a private	witness has personal	
enforcement action, looking at	knowledge of the matter."	
various things including past	(Fed. R. Evid. 602.)	
efforts to stop localism at	Unspecified awareness of the	
Lunada Bay and other surfing	subject matter of testimony	
spots in Palos Verdes Estates.	fails to establish sufficient	
Throughout the years, the	foundation. (See Ward v.	
South Bay Chapter of the	First Fed'l Savings Bank, 173	
Surfrider Foundation seemed	F.3d 611, 617-618 (7th Cir.	
dedicated to stopping localism.	1999).)	
There are numerous articles		
showing the efforts made by		
their volunteers. Yet, the		
Surfrider Foundation had not		
been able to solve the problem.		
Because beach access is central		
to CPR's mission, the board		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
voted to become a plaintiff in		
this case."		
25. Paragraph 6, p. 4:18-6:7	Objection. This statement	SUSTAINED
As part of the investigation in	lacks foundation. "A witness	
his matter, CPR has learned	may testify to a matter only if	OVERRULED
now the City of Palos Verdes	evidence is introduced	
Estates police rely on "officer	sufficient to support a finding	
discretion" and have not	that the witness has personal	
enforced laws against locals,	knowledge of the matter."	
such as the law prohibiting	(Fed. R. Evid. 602.)	
drinking alcohol on public	Unspecified awareness of the	
peaches, laws against open	subject matter of testimony	
ires, leash laws, and its laws	fails to establish sufficient	
hat regulate surf-riding and	foundation. (See Ward v.	
hat prohibit people from	First Fed'l Savings Bank, 173	
blocking access to the beach.	F.3d 611, 617-618 (7th Cir.	
And, CPR has learned about	1999).) The City objects to	
historic discrimination in Palos	this statement as lacking	
Verdes Estates, including: (a)	relevance to the instant	
the Palos Verdes Homes	litigation. (Fed. R. Evid. 401,	
Association and Art Jury	402). The declarant's	
designed a community to	statements do not make	
"protect this utopian landscape	relevant facts more or less	
and future property values" that	probable, and are of no	
was established in 1923 as a	consequence in determining	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
"high-class residential suburb"	this action. The timeframe	
limiting 90% of the property to	referenced by this declarant	
single-family homes; (b)	for the majority of this	
restrictive covenants forbade an	statement is too remote to	
owner to sell or rent a house to	have any bearing on the	
anyone not of white or	specific claims and	
Caucasian race and to not	allegations at issue. The City	
permit African-Americans on	further objects on the basis	
their property with the	that this statement constitutes	
exception of chauffeurs,	inadmissible hearsay. (Fed.	
gardeners and domestic	R. Evid. 801, 802.)	
servants; (c) the Palos Verdes		
Estates Homes Association did		
not repeal this illegal covenant		
until 2000, and when it did so it		
used "white out" rather than		
print new materials, (d) in 1960,		
Palos Verdes Peninsula voters		
voted to form a unified school		
district of their own, and not		
remain under the more diverse		
Los Angeles Unified School		
District's rule (this avoided		
desegregation and bussing,		
which came in later in the		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
1960's and 1970's); (e) in the		
1980's, disproportionately		
white and affluent communities		
persuaded the Southern		
California Rapid Transit District		
(RTD) to end direct bus service		
between South Central Los		
Angeles and beach-front		
communities to the west,		
increasing the amount of time it		
took to reach the beach and		
effectively deterring people of		
color from going to the beach at		
all because of the amount of		
time and hassle it took to get		
there, and that RTD granted the		
request of Palos Verdes		
Peninsula cities that buses from		
the inner city not climb the		
Palos Verdes Hill; (f) in 1991,		
the cities of Palos Verdes		
Estates, Rancho Palos Verdes,		
and Rolling Hills Estates		
formed their own small transit		
district called the Palos Verdes		

KUTAK ROCK LLP Attorneys At Law Irvine

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Peninsula Transit Authority		
(PVPTA) that operates Monday		
to Friday, and does not stop at		
Palos Verdes Estates beaches		
like Lunada Bay; (g) in 1995,		
an adult Bay Boy Peter		
McCollum threatened a 14-year		
old boy named Hagins Kelley in		
front of local television cameras		
for daring to surf Lunada Bay,		
and explained to the Los		
Angeles Times that "It's not just		
a barbaric thing, it is done for a		
purpose The crowds are so		
intense these days, you can't		
have your own little sanctuary.		
But we do." "We protected this		
beach for years. This is why. So		
we can have driftwood on the		
beach rather than Kentucky		
Fried Chicken boxes. If the		
beach opened up it would be		
packed with low ridersthe		
rocks would be marked with		
graffiti."; (h) when coastal		

access advocates held a Martin Luther King, Jr. Day paddle out rally in 2014, several Bay Boys paddled out in blackface in front of police and told the visitors, "you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	RULING
Luther King, Jr. Day paddle out rally in 2014, several Bay Boys paddled out in blackface in front of police and told the visitors, "you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
rally in 2014, several Bay Boys paddled out in blackface in front of police and told the visitors, "you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
paddled out in blackface in front of police and told the visitors, "you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
of police and told the visitors, "you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
"you don't pay enough taxes to be here"; (i) that when Plaintiff Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
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Diana Milena Reed complained about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
about being sexually harassed at the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
the Rock Fort, that police officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
officers responded with words to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
to the effect, "why would a woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
woman want to visit a beach that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
that only has rocks?" and that the Bay Boy's called her "that Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
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Diana bitch" in their texts; and (j) that numerous beachgoers have had the word "faggot" screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
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screamed at them by locals as they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
they attempt to visit Lunada Bay. These protected category overtones cause CPR grave	
Bay. These protected category overtones cause CPR grave	
overtones cause CPR grave	
aanaam as all baaahaaars na	
concern, as all beachgoers, no	
matter their income level, race,	
color, religion, gender, sexual	

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MATERIAL OBJE	CTED	GROUNDS FOR	RULING
ТО		OBJECTION(S)	
orientation or other pro	tected		
category are entitled to	coastal		
access. This discrimina	tion		
deters a diverse and inc	lusive		
beach, and denies peop	le		
access."			
26. <u>Paragraph 7, p. 6</u>	:8-20	Objection. The City objects	SUSTAINED
"Attached hereto as Exl		to this statement as lacking	
and Exhibit 2, are a true	e and	relevance to the instant	OVERRULED
correct copies of the un	lawful	litigation. (Fed. R. Evid. 401,	
covenant CPR obtained	in	402). The declarant's	
person from the Palos V	Verdes	statements and documents	
Home Association		referenced do not make	
(http://pvha.org/). Exhi	<u>bit 1</u>	relevant facts more or less	
shows the covenant wit	h white	probable, and are of no	
out, as received from th	ie	consequence in determining	
Homes Association. <u>Ex</u>	hibit 2	this action. The City further	
shows the covenant wit	h the	incorporates by reference its	
white out removed. Att	ached	Opposition and Objection to	
hereto as Exhibit 3, is a	trued	Plaintiffs' Request for	
and correct copy of a re	esolution	Judicial Notice. The City	
from 2000 where the Pa	alos	objects to this statement to	
Verdes Homes Associa	tion	the extent the declarant fails	
finally eliminated the il	legal	to sufficiently authenticate	
covenant. The Palos Ve	erdes	the documents referenced.	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Homes Association is located	(Fed. R. Evid. 901.)	
320 Palos Verdes Dr W, Palos		
Verdes Estates, CA, adjacent to		
City Hall and the Police		
Department for the City of		
Palos Verdes Estates City		
which are located at 340 Palos		
Verdes Dr. W. Attached hereto		
as Exhibit 4, is a true and		
correct copy of a Google Map		
printout of the Palos Verdes		
Estates civic center area		
showing the proximity of City		
Hall, the Police Department,		
and the Palos Verdes Homes		
Association. They're in an		
adjoining facility."		
27. Paragraph 8, p. 6:21-7:5	Objection. The City objects	SUSTAINED
"In September 2016, Gov. Jerry	to this statement as lacking	
Brown signed legislation	relevance to the instant	OVERRULED
amending the Coastal Act	litigation. (Fed. R. Evid. 401,	
which compliments CPRs core	402). The declarant's	
mission of open access to the	statements do not make	
coast for everyone by	relevant facts more or less	
incorporating the concept of	probable, and are of no	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
environmental justice into the	consequence in determining	
law. The Coastal Act now	this action. The City objects	
explicitly refers to the statutory	to this statement to the extent	
definition of environmental	it offers legal conclusions	
justice. "Environmental	regarding the statutes	
justice" means the fair	referenced.	
treatment of people of all races,		
cultures, and incomes with		
respect to environmental laws,		
regulations, and policies under		
Government Code section		
65040.12. The governor is now		
required to appoint a		
Commissioner experienced in		
and dedicated to environmental		
justice. Every Commissioner is		
required to comply with and		
enforce the cross-cutting equal		
justice laws. Finally, the Act		
explicitly refers to state civil		
rights law that guarantees equal		
access to publicly funded		
resources and prohibits		
discrimination based on race,		
color, national origin, income,		

	MATERIAL OBJECTED	GROUNDS FOR	RULING
	ТО	OBJECTION(S)	
	and other factors, Government		
	Code section 11135. Section		
	11135 applies to all state		
	agencies and recipients of state		
	funding."		
,	28. <u>Paragraph 9, p. 7:6-23</u>	Objection. The City objects	SUSTAINED
	'CPR believes the beaches,	to this statement as lacking	
	tide pools and surf on the Palos	relevance to the instant	OVERRULED
	Verdes Peninsula and at	litigation. (Fed. R. Evid. 401,	
	Lunada Bay are truly unique	402). The declarant's	
	and everyone should be able to	statements do not make	
	enjoy them. On a low tide,	relevant facts more or less	
	upon information and belief,	probable, and are of no	
	there are octopi, limpets, crabs,	consequence in determining	
	sea urchins and other aquatic	this action. This statement	
	life living in the tide pools.	lacks relevance, insofar as it	
	There are marine mammals,	fails to demonstrate a	
	such as seals that patrol the	material fact or injury	
	shores; occasionally, a whale	pertinent to Plaintiffs'	
	can be spotted on the horizon.	violation of equal protection	
	Standing on the bluff the kelp	claim, and shows that CPR	
	beds are visible - something	lacks standing in this action	
	totally unique to California.	for violation of equal	
	And if you grab a mask and	protection. "[P]ersons who	
	snorkel, you will discover one	have never sought the	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
of the most biologically	protection of the Palos	
diverse and productive zones	Verdes Police Department	
on the planet. Both the sunsets	vis-à-vis the LBB do not have	
and waves are world class.	viable Equal Protection	
CPR believes that exposing	Claims against the City	
people to these ecological	Defendants, for they have not	
areas give life meaning and put	been denied 'equal protection	
things into perspective;	of the laws' by the City, its	
everyone, especially the	police department, or	
economically challenged and	Kepley." (See Dkt. No. 225,	
people who live in poorer	p. 13.) The City objects to	
communities, should be able to	this statement to the extent it	
have access to this area of the	offers an inadmissible legal	
coast without fearing for his or	conclusion regarding the	
her safety. Specifically, CPR	statement "illegal	
believes that if Lunada Bay	exclusivity."	
were free from illegal		
exclusivity, school children		
from poorer inland		
communities would take field		
trips to Lunada Bay for		
educational purposes and to		
share these experiences with		
their parents, families, and		
friends. CPR believes		

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3	everyone should be able to		
4	learn, exercise, enjoy the		
5	outdoors and otherwise		
6	express themselves in their		
7	chosen activities at Lunada		
8	Bay."		
)			
)	29. <u>Paragraph 10, p. 7:24-8:8</u>	Objection. The City objects	SUSTAINED
	"CPR wants the public to be	to this statement as lacking	
	able to visit Lunada Bay to	relevance to the instant	_OVERRULED
	recreate there without fear of	litigation. (Fed. R. Evid. 401,	
	physical and verbal attack or	402). The declarant's	
	the hassle of dealing with	statements do not make	
	bullying Bay Boys and other	relevant facts more or less	
	locals. CPR wants the public to	probable, and are of no	
	be able to visit the Lunada Bay	consequence in determining	
	bluff, shoreline, and water to	this action. This statement	
	explore and surf without fear of	lacks relevance, insofar as it	
	having their car vandalized.	fails to demonstrate a	
	CPR wants the Bay Boys and	material fact or injury	
	other bullying locals to be	pertinent to Plaintiffs'	
	barred from using this beach	violation of equal protection	
	for sufficient time to change	claim, and shows that CPR	
	attitudes and to give access to	lacks standing in this action	
	the beach back to the public.	for violation of equal	
	CPR believes all Californians	protection. "[P]ersons who	
3	I .		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
including those from lower	have never sought the	
income, inland and racially	protection of the Palos	
diverse communities, should be	Verdes Police Department	
able to freely travel to and visit	vis-à-vis the LBB do not have	
Lunada Bay and other Palos	viable Equal Protection	
Verdes Estates beaches. CPR	Claims against the City	
pelieves no person should be	Defendants, for they have not	
equired to undergo a hazing	been denied 'equal protection	
process as a prerequisite to use	of the laws' by the City, its	
California beach. Further,	police department, or	
CPR believes as surf	Kepley." (See Dkt. No. 225,	
communities are primarily	p. 13.)	
white and middle-class,		
exclusion from surf breaks on		
he basis of where a person		
lives or grew up emerges as a		
method of racial segregation."		
30. Paragraph 11, p. 8:9-24	Objection. The City objects	SUSTAINED
	to this statement as lacking	
celebration of Martin Luther	relevance to the instant	OVERRULED
King Day, CPR sponsored an	litigation. (Fed. R. Evid. 401,	
event at Lunada Bay to	402). The declarant's	
encourage people who may	statements do not make	
penefit from the environmental	relevant facts more or less	
		including those from lower income, inland and racially diverse communities, should be able to freely travel to and visit Lunada Bay and other Palos Verdes Estates beaches. CPR believes no person should be required to undergo a hazing process as a prerequisite to use a California beach. Further, CPR believes as surf communities are primarily white and middle-class, exclusion from surf breaks on the basis of where a person lives or grew up emerges as a method of racial segregation." TO OBJECTION(S) have never sought the protection of the Palos Verdes Police Department vis-à-vis the LBB do not have viable Equal Protection Claims against the City Defendants, for they have not been denied 'equal protection of the laws' by the City, its police department, or Kepley." (See Dkt. No. 225, p. 13.) White and middle-class, exclusion from surf breaks on the basis of where a person lives or grew up emerges as a method of racial segregation." 30. Paragraph 11, p. 8:9-24 "On January 16, 2017, in celebration of Martin Luther King Day, CPR sponsored an event at Lunada Bay to encourage people who may statements do not make

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
others who have been deterred	consequence in determining	
from accessing Lunada Bay, to	this action. This statement	
enjoy a day at the beach. The	lacks relevance, insofar as it	
intent was (a) to honor Martin	fails to demonstrate a	
Luther King, (b) to encourage	material fact or injury	
diverse beachgoers to explore	pertinent to Plaintiffs'	
and visit Palos Verdes Estates	violation of equal protection	
beaches, (c) to allow people to	claim, and shows that CPR	
visit Lunada Bay in a planned	lacks standing in this action	
event where CPR anticipated	for violation of equal	
there should be improved	protection. "[P]ersons who	
safety given media attention	have never sought the	
and numbers, (d) to celebrate	protection of the Palos	
efforts to end localism, (e) to	Verdes Police Department	
celebrate removal of the illegal	vis-à-vis the LBB do not have	
rock fort that was a symbol of	viable Equal Protection	
illegal bullying and alcohol use	Claims against the City	
at Lunada Bay, (f) to re-	Defendants, for they have not	
dedicate Lunada Bay as a	been denied 'equal protection	
welcoming spot with aloha	of the laws' by the City, its	
spirit, and (g) to celebrate	police department, or	
CPR's success in bringing	Kepley." (See Dkt. No. 225,	
attention to illegal exclusivity	p. 13.)	
at Lunada Bay. While the		
Martin Luther King Day event		

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3	officially started at 9:00 a.m.,		
4	with early morning surfers this		
5	event lasted from sunrise to		
6	sunset. The event concluded		
7	with Hawaiian-style hula and		
8	ukulele as the sun was setting.		
9	I planned and worked the		
10	entire event, helping		
11	coordinate other volunteers		
12	and communication with the		
13	media."		
14			
15	31. <u>Paragraph 12, p. 8:25-</u>	Objection. The City objects	SUSTAINED
16	9:11	to this statement as lacking	
17	"During the Martin Luther	relevance to the instant	_OVERRULED
18	King Day event, we were	litigation. (Fed. R. Evid. 401,	
19	successful in bringing diverse	402). The declarant's	
20	beachgoers to Lunada Bay, and	statements do not make	
21	bringing attention to our cause	relevant facts more or less	
22	of open beach access free from	probable, and are of no	
23	localism and discrimination.	consequence in determining	
24	Attached hereto as Exhibit 5,	this action. This statement	
25	are true and correct copies of	lacks relevance, insofar as it	
26	photos of the event printed in	fails to demonstrate a	
27	the Los Angeles Times. While	material fact or injury	
28	many of the Bay Boys stayed	pertinent to Plaintiffs'	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
away from Lunada Bay on	violation of equal protection	
January 16 (they moved a few	claim, and shows that CPR	
blocks away to a neighboring	lacks standing in this action	
beach), unfortunately, we	for violation of equal	
received complaints that two	protection. "[P]ersons who	
associates of the Bay Boys (a	have never sought the	
step daughter of one defendant,	protection of the Palos	
and girlfriend of another	Verdes Police Department	
defendant) were intentionally	vis-à-vis the LBB do not have	
attempting to harm CPR	viable Equal Protection	
volunteers and guests by	Claims against the City	
dropping in on them in waves –	Defendants, for they have not	
violating the City's surf-riding	been denied 'equal protection	
ordinance. Volunteers and	of the laws' by the City, its	
participants stated that they	police department, or	
complained about this	Kepley." (See Dkt. No. 225,	
dangerous activity to the police	p. 13.)	
indicated, but that the police		
were not well trained on their		
own surf-riding ordinance and		
did not take the complaints		
seriously. Indeed, some felt the		
police were protective of the		
locals. Attached as Exhibit 6, is		
a true and correct copy of a		

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1 2	MATERIAL OBJECTED	GROUNDS FOR	RULING
	ТО	OBJECTION(S)	
	video explaining the January		
	16, 2017 Martin Luther King		
	Day event."		
	32. Paragraph 13, p. 9:12-26	Objection. The City objects	SUSTAINED
	"During the event, I was also	to this statement as lacking	
	approached by a young male,	relevance to the instant	OVERRULED
	he parked his car and walked	litigation. (Fed. R. Evid. 401,	
	straight up to me at the table	402). The declarant's	
	and said "What is this?" I	statements do not make	
	informed him that CPR was a	relevant facts more or less	
	non-profit that helps with	probable, and are of no	
	protecting the coastlines and	consequence in determining	
	providing beach access. He	this action. This statement	
	said "Yeah but what are you	lacks relevance, insofar as it	
	doing here?" I explained it was	fails to demonstrate a	
	a peaceful gathering to promote	material fact or injury	
	safe beach access for all at	pertinent to Plaintiffs'	
	Lunada Bay without the fear of	violation of equal protection	
	violence. He laughed, put his	claim, and shows that CPR	
	phone about 12" from my face	lacks standing in this action	
	and took photos of me and then	for violation of equal	
	said "Yeah good luck with that"	protection. "[P]ersons who	
	and walked off snapping a few	have never sought the	
	more photos as he walked back	protection of the Palos	
	to his car. As I have been told	Verdes Police Department	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
that at a prior event in 2014	vis-à-vis the LBB do not have	
celebrating Martin Luther King	viable Equal Protection	
and public access to Lunada	Claims against the City	
Bay there was an individual	Defendants, for they have not	
taking pictures of visiting	been denied 'equal protection	
surfers and making statements	of the laws' by the City, its	
like "Now we know who you	police department, or	
are," I was intimidated. I	Kepley." (See Dkt. No. 225,	
reported this incident to one of	p. 13.) The City further	
the officers as I was frightened	objects on the basis that this	
and concerned. One officer	statement constitutes	
pointed out one of the older	inadmissible hearsay. (Fed.	
Bay Boys to me to make me	R. Evid. 801, 802.)	
aware that they were watching		
him. The Bay Boy did not		
approach me directly but did		
come to the tent and was		
talking to people and making		
his presence known."		
22 P 1 14 0 27		
33. <u>Paragraph 14, p. 9:27-</u>	The City objects to this	SUSTAINED
11:9	statement as lacking	Olimbria
"CPR has received complaints	relevance to the instant	OVERRULEI
from its members, volunteers	litigation. (Fed. R. Evid. 401,	
and event participants of	402). The declarant's	
unlawful discrimination. CPR	statements do not make	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
wants non-resident visitors to	relevant facts more or less	
be able to visit Lunada Bay	probable, and are of no	
without needing to announce	consequence in determining	
themselves in advance to the	this action. This statement	
police so as to ensure their	lacks relevance, insofar as it	
safety from the bullying locals.	fails to demonstrate a	
CPR wants women to be able	material fact or injury	
to use the beach at Lunada Bay	pertinent to Plaintiffs'	
without being questioned about	violation of equal protection	
their desire to engage in	claim, and shows that CPR	
recreational activities, without	lacks standing in this action	
fear of being sexually harassed,	for violation of equal	
and without feeling like they	protection. "[P]ersons who	
are in a men's locker room.	have never sought the	
CPR wants people of diverse	protection of the Palos	
backgrounds to be able to	Verdes Police Department	
travel to Lunada Bay and other	vis-à-vis the LBB do not have	
Palos Verdes Estates beaches	viable Equal Protection	
freely, without fear of being	Claims against the City	
unlawfully pulled over by the	Defendants, for they have not	
City of Palos Verdes Estates	been denied 'equal protection	
police, without being asked	of the laws' by the City, its	
their "purpose" for being in the	police department, or	
City and their travel plans,	Kepley." (See Dkt. No. 225,	
without fear of being treated	p. 13.) The City objects to	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
differently when it comes to	this statement to the extent it	
traffic citations and parking	offers an inadmissible legal	
tickets, without fear of having	conclusion regarding	
their vehicle being unlawfully	"unlawful discrimination"	
towed, and without fear of	and people being "unlawfully	
being treated differently when	excluded." The City objects	
it comes to enforcement of the	to this statement as	
law and/or detainment. CPR	inadmissible speculation.	
wants Palos Verdes Estates to	(See Visser v. Packer	
provide its employees adequate	Engineering Assocs, Inc., 924	
training on coastal access laws,	F.2d 655, 659-660 (7th Cir.	
the local surf-riding ordinance,	1991).)	
surfing etiquette and safety,		
and on non-discrimination		
laws. CPR wants Palos Verdes		
Estates to enforce its		
ordinances fairly and for it to		
provide signage and maps so		
people will know Lunada Bay		
is a public beach. CPR wants		
the City of Palos Verdes		
Estates to improve amenities in		
a fashion that makes it safer,		
provides improved access to all		
beachgoers, and is both		

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
consistent with this rural spot,		
the California Coastal Act, and		
state and federal law. For		
example, access trails to the		
shoreline should be clearly		
marked for the safety of		
visitors so the visitors do not		
head down a false trail. And no		
person should be allowed to		
block the access trails or to		
intimidate visitors on the bluff		
top, on the shoreline, or in the		
water. CPR wants Palos Verdes		
Estates police to be trained to		
help when people are		
unlawfully excluded. In short,		
CPR wants all to be able to		
visit Lunada Bay without being		
harassed. And if someone is		
harassed, we want the City of		
Palos Verdes Estates police to		
take the complaints seriously.		
Finally, we would like to see		
public transportation that		
makes it easy for people of all		

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
walks of life to be able to head	0202011011(0)	
down a false trail. And no		
person should be allowed to		
block the access trails or to		
intimidate visitors on the bluff		
top, on the shoreline, or in the		
water. CPR wants Palos Verdes		
Estates police to be trained to		
help when people are		
unlawfully excluded. In short,		
CPR wants all to be able to		
visit Lunada Bay without being		
harassed. And if someone is		
harassed, we want the City of		
Palos Verdes Estates police to		
take the complaints seriously.		
Finally, we would like to see		
public transportation that		
makes it easy for people of all		
walks of life to be able to		
experience Lunada Bay. CPR		
does not seek damages in their		
lawsuit against the City, and		
instead seeks declaratory and		
injunctive relief."		

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
34. <u>Paragraph 15, p. 11:10-</u>	Objection. The City objects	SUSTAINED
<u>14</u>	to this statement as	
"CPR has diverted its resources	inadmissible speculation.	_OVERRULED
and volunteer time to achieve	(See Visser v. Packer	
open access for all at Lunada	Engineering Assocs, Inc., 924	
Bay, including extensive	F.2d 655, 659-660 (7th Cir.	
research, educational efforts,	1991).) The City objects to	
promotional efforts, media	this statement as lacking	
outreach, and the Martin Luther	relevance to the instant	
King Day event. Had these	litigation. (Fed. R. Evid. 401,	
resources not been diverted to	402). The declarant's	
achieve open access at Lunada	statements do not make	
Bay, they could have been used	relevant facts more or less	
for coastal education, and other	probable, and are of no	
coastal access projects."	consequence in determining	
	this action. This statement	
	lacks relevance, insofar as it	
	fails to demonstrate a	
	material fact or injury	
	pertinent to Plaintiffs'	
	violation of equal protection	
	claim, and shows that CPR	
	lacks standing in this action	
	lacks standing in this action for violation of equal	

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		have never sought the	
4		protection of the Palos	
5		Verdes Police Department	
6		vis-à-vis the LBB do not have	
7		viable Equal Protection	
8		Claims against the City	
9		Defendants, for they have not	
10		been denied 'equal protection	
11		of the laws' by the City, its	
12		police department, or	
13		Kepley." (See Dkt. No. 225,	
14		p. 13.)	
15	25 P 1 16 11 15		
16	35. <u>Paragraph 16, p. 11:15-</u>	Objection. The City objects	SUSTAINED
17	<u>21</u>	to this statement to the extent	OVEDDIM ED
18	"Because there is a long	it offers an inadmissible legal	OVERRULED
19	custom and practice of	conclusion regarding "long	
20	discrimination that starts at the	custom and practice of	
21	City of Palos Verdes Estate's	discrimination" and "illegal	
22	border, beachgoers of diverse	exclusion." This statement	
23	backgrounds, poor beachgoers,	lacks foundation. "A witness	
24	and women beachgoers are	may testify to a matter only if	
25	deterred. The illegal exclusion	evidence is introduced	
26	at Lunada Bay, and related	sufficient to support a finding	
27	police efforts that keep	that the witness has personal	
28	outsiders away from Palos	knowledge of the matter."	

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EVIDENTIARY OBJECTIONS TO EVIDENCE ISO MOTION FOR SUMMARY JUDGMENT

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Verdes Estates streets and	(Fed. R. Evid. 602.)	
beaches, has turned a public	Unspecified awareness of the	
beach into the exclusive club	subject matter of testimony	
for a privileged few. This	fails to establish sufficient	
frustrates the purpose of CPR,	foundation. (See Ward v.	
which is open access to the	First Fed'l Savings Bank, 173	
California coast for all."	F.3d 611, 617-618 (7th Cir.	
	1999).) The City objects to	
	this statement as lacking	
	relevance to the instant	
	litigation. (Fed. R. Evid. 401,	
	402). The declarant's	
	statements do not make	
	relevant facts more or less	
	probable, and are of no	
	consequence in determining	
	this action. This statement	
	lacks relevance, insofar as it	
	fails to demonstrate a	
	material fact or injury	
	pertinent to Plaintiffs'	
	violation of equal protection	
	claim, and shows that CPR	
	lacks standing in this action	
	for violation of equal	

1 2	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		protection. "[P]ersons who	
4		have never sought the	
5		protection of the Palos	
6		Verdes Police Department	
7		vis-à-vis the LBB do not have	
8		viable Equal Protection	
9		Claims against the City	
10		Defendants, for they have not	
11		been denied 'equal protection	
12		of the laws' by the City, its	
13		police department, or	
14		Kepley." (See Dkt. No. 225,	
15		p. 13.)	
16		-	

C. Objections to Declaration of GEOFF HAGIN submitted In support of Plaintiffs' Opposition to City's Motion for Summary Judgment, or in the alternative, Summary Adjudication dated July 31, 2017:

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
36. <u>Paragraph 2, p. 2:25-26</u>	Objection. The City objects	SUSTAINED
"On December 29, 2016, I	to this statement as lacking	
signed a declaration supporting	relevance to the instant	OVERRULED
Plaintiffs' Motion for Class	litigation. (Fed. R. Evid. 401,	

28

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MATERIAL OBJECTE	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
Certification in the matter."	402). The declarant's	
	statements do not make	
	relevant facts more or less	
	probable, and are of no	
	consequence in determining	
	this action. This Court	
	previously denied certification	
	of Plaintiff's class action. (See	
	Dkt. No. 225).	
37. <u>Paragraph 3, p. 3:1-7</u>	Objection. This statement	SUSTAINED
"This new declaration is to	also lacks foundation. "A	
authenticate video footage or	f witness may testify to a matter	_OVERRULED
an incident where my nephe	w only if evidence is introduced	
and I were assaulted by a Ba	y sufficient to support a finding	
Boy back in 1995. While it h	that the witness has personal	
been just more than 22 years	, I knowledge of the matter."	
remember this day well. And	l, (Fed. R. Evid. 602.)	
unfortunately, little has	Unspecified awareness of the	
changed in the way the Bay	subject matter of testimony	
Boys operate. And little has	fails to establish sufficient	
changed in how the City of	foundation. (See Ward v.	
Palos Verdes Estates treats	First Fed'l Savings Bank, 173	
outsiders —meaning outside	rs F.3d 611, 617-618 (7th Cir.	
are not welcomed in the City	7, 1999).)	
being deterred by both the B	ay	

Boys and the City itself." 38. Paragraph 3, p. 3:8-12 "On March 13, 1995, a news	OBJECTION(S)	
38. <u>Paragraph 3, p. 3:8-12</u>		
"On March 13, 1995, a news	Objection. The City objects	SUSTAINED
	to this statement as lacking	
crew accompanied myself and	relevance to the instant	OVERRULED
six other individuals to Lunada	litigation. (Fed. R. Evid. 401,	
Bay and filmed the events that	402). The declarant's	
ranspired. When we arrived,	statements do not make	
one of the people that I was	relevant facts more or less	
with, Mike Bernard, recognized	probable, and are of no	
a Bay Boy who was on the	consequence in determining	
bluff named Kelly Logan, who	this action. The declarant	
said we got a "pass" that day	describes the acts of third-	
because they knew each other.	parties, which cannot serve as	
	a basis to bring constitutional	
	claims against a public entity.	
	(See De Shaney v. Winnebago	
	County Department of Social	
	Services, 489 U.S. 189, 196;	
	Ketchum v. County of	
	Alameda, 811 F.2d 1243,	
	1247 (9th Cir. 1987).)	
39. <u>Paragraph 5, p. 3:13-18</u>	Objection. The City objects	SUSTAINED
"As we were coming back up	to this statement as lacking	
the trail, Bay Boy Peter	relevance to the instant	OVERRULED

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
McCollum approached me,	litigation. (Fed. R. Evid. 401,	
screaming, "Don't surf on the	402). The declarant's	
hill." He was pounding his fists	statements do not make	
very close to my face as he told	relevant facts more or less	
me, "This is what will happen	probable, and are of no	
to you if I see you again." He	consequence in determining	
continued to yell numerous	this action. The declarant	
things, including, "Come back	describes the acts of third-	
and you will be killed." He then	parties, which cannot serve as	
assaulted me, all of which was	a basis to bring constitutional	
caught on camera. He also	claims against a public entity.	
threatened by nephew Hagan	(See De Shaney v. Winnebago	
Kelly."	County Department of Social	
	Services, 489 U.S. 189, 196;	
	Ketchum v. County of	
	Alameda, 811 F.2d 1243,	
	1247 (9th Cir. 1987).)	
40. Paragraph 6, p. 3:19-4:2	Objection. The City objects	SUSTAINED
"I have watched the	to this statement as lacking	
documentary The Swell Life,	relevance to the instant	OVERRULED
and it appears that the director	litigation. (Fed. R. Evid. 401,	
obtained some of the footage	402). The declarant's	
from March 13, 1995. When I	statements do not make	
compare it to the footage from	relevant facts more or less	
Channel 13 it appears identical;	probable, and are of no	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
also the Channel 13 logo	consequence in determining	
appears in sections of the	this action. The declarant	
video. This documentary	describes the acts of third-	
accurately depicts Peter	parties, which cannot serve as	
McCollum threatening my	a basis to bring constitutional	
nephew and Mike Bernard,	claims against a public entity.	
where McCollum screams: "He	(See De Shaney v. Winnebago	
won't surf here again, though,	County Department of Social	
got it? Got it? You got that,	Services, 489 U.S. 189, 196;	
son? You got it? Hey, hey, I'm	Ketchum v. County of	
touching nobody. Nothing. But	Alameda, 811 F.2d 1243,	
you won't surf here again, boy.	1247 (9th Cir. 1987).)	
You won't surf here again.		
Fuck that, fuck you guys! I've		
been here too long to take this		
shit." (5:14 seconds to 5:31)."		
41. Paragraph 7, p. 4:3-9	Objection. The City objects	
"Later in the documentary the	to this statement as lacking	
Swell Life, there is more film	relevance to the instant	
footage from the same day,	litigation. (Fed. R. Evid. 401,	
where McCollum screams:	402). The declarant's	
"How many guys are at Malibu	statements do not make	
right now, huh? How many	relevant facts more or less	
fucking guys are at Malibu,	probable, and are of no	
huh? (I don't know.) Did you	consequence in determining	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
ever notice we've done a good	this action. The declarant	
thing here, haven't we? It's	describes the acts of third-	
pretty nice and pretty, huh? (It's	parties, which cannot serve as	
beautiful.) It's beautiful! And	a basis to bring constitutional	
so when you exploit it, we'll	claims against a public entity.	
thank you." (15:05 to 15:19).	(See De Shaney v. Winnebago	
This, too, is an accurate	County Department of Social	
depiction of Peter McCollum	Services, 489 U.S. 189, 196;	
on the day he threatened my	Ketchum v. County of	
nephew and me."	Alameda, 811 F.2d 1243,	
	1247 (9th Cir. 1987).)	
42. Paragraph 8, p. 4:10-12	Objection. The City objects	
"We did nothing to provoke	to this statement as lacking	
Peter McCollum or any other	relevance to the instant	
resident, other than we were	litigation. (Fed. R. Evid. 401,	
not from Palos Verdes Estates,	402). The declarant's	
and we showed up at a public	statements do not make	
beach from out of town."	relevant facts more or less	
	probable, and are of no	
	consequence in determining	
	this action. The declarant	
	describes the acts of third-	
	parties, which cannot serve as	
	a basis to bring constitutional	
	claims against a public entity.	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	TO	OBJECTION(S)	
3		(See De Shaney v. Winnebago	
4		County Department of Social	
5		Services, 489 U.S. 189, 196;	
6		Ketchum v. County of	
7		<i>Alameda</i> , 811 F.2d 1243,	
8		1247 (9th Cir. 1987).)	
9			

D. Objections to Declaration of John Olinger submitted In support of Plaintiffs' Opposition to City's Motion for Summary Judgment, or in the alternative, Summary Adjudication dated July 31, 2017:

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
43. <u>Paragraph 2, p. 2:18-3:1</u>	Objection. The City objects to	SUSTAINED
"I was raised in Ranch Palos	this statement as lacking	
Verdes and started surfing	relevance to the instant	_OVERRULE
around the 5th grade. I learned	litigation. (Fed. R. Evid. 401,	D
to surf primarily at the beaches	402). The declarant's	
in Torrance, California. Being	statements do not make	
from Rancho Palos Verdes, I	relevant facts more or less	
knew about different beaches	probable, and are of no	
and surfing locations on the	consequence in determining	
Palos Verdes Peninsula and how	this action. This statement	
good they were. Lunada Bay,	also lacks foundation. "A	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
located in the nearby City of	witness may testify to a matter	
Palos Verdes Estates, was said	only if evidence is introduced	
to be a great big wave spot, and	sufficient to support a finding	
I wanted to surf there but given	that the witness has personal	
its reputation of localism in the	knowledge of the matter."	
City, along with the City's	(Fed. R. Evid. 602.)	
reputation and support for	Unspecified awareness (i.e.,	
keeping its prized beaches	reputation) of the subject	
available for locals only, I	matter of testimony fails to	
stayed away. On occasion, my	establish sufficient foundation.	
friends and I would surf using a	(See Ward v. First Fed'l	
longboard in Bluff Cove in	Savings Bank, 173 F.3d 611,	
Palos Verdes Estates. Notably,	617-618 (7th Cir. 1999).)	
Bluff Cove is more of a		
beginners' beach in terms of		
surfing, generally has smaller		
surf, and is the rare beach in		
Palos Verdes Estates where it is		
not typically hostile for an		
outsider to visit."		
44. <u>Paragraph 6, p. 3:13-26</u>	Objection. This statement	SUSTAINED
"Having grown up on the Palos	also lacks foundation. "A	
Verdes Peninsula in a city close	witness may testify to a matter	OVERRULE
to Palos Verdes Estates, I knew	only if evidence is introduced	D
about two claimed "local rules"	sufficient to support a finding	

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
when surfing the area: (a) come	that the witness has personal	
alone; and (b) don't walk down	knowledge of the matter."	
the trail in your wetsuit. I went	(Fed. R. Evid. 602.)	
by myself. And, I walked down	Unspecified awareness of the	
the trail to the beach at Lunada	subject matter of testimony	
Bay in my clothes and shoes,	fails to establish sufficient	
with my wetsuit and towel	foundation. (See Ward v.	
draped over my surfboard. When	First Fed'l Savings Bank, 173	
I got to the bottom of the trail, I	F.3d 611, 617-618 (7th Cir.	
started walking towards the	1999).) The City objects to	
point. I was approached by a man	this statement as lacking	
that appeared to be in his late	relevance to the instant	
40s. This man was aggressive,	litigation. (Fed. R. Evid. 401,	
and immediately got in my face	402). The declarant's	
and started telling me that I could	statements do not make	
not surf there and to "just go	relevant facts more or less	
somewhere else." He also said,	probable, and are of no	
"Well you are not going to catch	consequence in determining	
any waves. I'm going to make	this action. The declarant	
sure of that." There was a another	describes the acts of third-	
man on the patio, who was	parties, which cannot serve as	
wearing a hat, who was affirming	a basis to bring constitutional	
and otherwise backing up the	claims against a public entity.	
intimidation directed at me,	(See De Shaney v. Winnebago	
although he looked to be getting	County Department of Social	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	210 221 (0
3	ready to leave. I did my best to	Services, 489 U.S. 189, 196;	
4	ignore the aggressive man,	Ketchum v. County of	
5	changed into my wetsuit, and	Alameda, 811 F.2d 1243, 1247	
6	paddled out to the surf Lunada	(9th Cir. 1987).) This	
7	Bay."	statement does not relate to	
8		the City in any manner.	
1			
	45. <u>Paragraph 7, p. 3:27-4:5</u>	Objection. The City objects to	SUSTAINED
	"There was one other surfer in	this statement as lacking	
	the water when I paddled out at	relevance to the instant	_OVERRULE
	Lunada Bay. While the waves	litigation. (Fed. R. Evid. 401,	D
	were barely shoulder high, it was	402). The declarant's	
	better at Lunada Bay than the	statements do not make	
	other areas I'd driven by. The	relevant facts more or less	
	aggressive man that was	probable, and are of no	
	harassing me on shore put his	consequence in determining	
	wetsuit back on, and paddled out	this action. The declarant	
	to continue to yell and intimidate	describes the acts of third-	
	me. He did not even attempt to	parties, which cannot serve as	
	catch a wave, and just paddle	a basis to bring constitutional	
	around following me and	claims against a public entity.	
1	blocking me as I tried to surf.	(See De Shaney v. Winnebago	
5	Finally, as the sun was setting,	County Department of Social	
	the aggressive man paddled to	Services, 489 U.S. 189, 196;	
	shore while I was still in the	Ketchum v. County of	
	water."	Alameda, 811 F.2d 1243, 1247	

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	MATERIAL OBJECTED	GROUNDS FOR	RULING
; 	TO	OBJECTION(S)	
		(9th Cir. 1987).) This	
		statement does not relate to	
		the City in any manner.	
	46. Paragraph 8, p. 4:6-13	The City objects to this	SUSTAINED
	"When I returned to shore, my	statement as lacking relevance	
	shoes were stolen and	to the instant litigation. (Fed.	_OVERRULE
	belongings (towel and dry	R. Evid. 401, 402). The	D
	clothes) drenched in sea water.	declarant's statements do not	
	In the dark, I had to walk wet	make relevant facts more or	
	across the rocks and up the steep	less probable, and are of no	
	cliff barefoot; my feet were cut	consequence in determining	
	and sore by the time I made it to	this action. The declarant	
	the top of the trail. Because it	describes the acts of third-	
	was dark, I never saw who threw	parties, which cannot serve as	
	my stuff in the water. And	a basis to bring constitutional	
	because the police have a	claims against a public entity.	
	longstanding reputation of being	(See De Shaney v. Winnebago	
	"friendly" with and supporting	County Department of Social	
	the local surfers, and being	Services, 489 U.S. 189, 196;	
	indifferent to complaints by	Ketchum v. County of	
	outsiders regarding access to	Alameda, 811 F.2d 1243, 1247	
	Lunada Bay and the related	(9th Cir. 1987).) This	
	deterrent efforts by the locals, I	statement does not relate to	
	did not report what happened to	the City in any manner; the	
	me."	declarant did not report this	

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MATER	IAL OBJECTED	GROUNDS FOR	RULING
	TO	OBJECTION(S)	
		event to the City. The City	
		objects to this statement as	
		inadmissible speculation. (See	
		Visser v. Packer Engineering	
		Assocs, Inc., 924 F.2d 655,	
		659-660 (7th Cir. 1991).)	
		This statement lacks	
		foundation. "A witness may	
		testify to a matter only if	
		evidence is introduced	
		sufficient to support a finding	
		that the witness has personal	
		knowledge of the matter."	
		(Fed. R. Evid. 602.)	
		Unspecified awareness of the	
		subject matter of testimony	
		fails to establish sufficient	
		foundation. (See Ward v.	
		First Fed'l Savings Bank, 173	
		F.3d 611, 617-618 (7th Cir.	
		1999).)	
47 5	1 10 4 10 22	Ohioation The City ohioate to	CLICTAINE
	graph 10, p. 4:18-23	Objection. The City objects to	SUSTAINE
	d to follow the rules	this statement as lacking	OMEDDIA
	en Mr. Lee harassed	relevance to the instant	_OVERRULI
me. I arrive	d alone, was willing	litigation. (Fed. R. Evid. 401,	D

E	ΓED	GROUNDS FOR RULING
		OBJECTION(S)
et tl	et the	402). The declarant's
nd	nd	statements do not make
na	ınada	relevant facts more or less
wn	wn	probable, and are of no
		consequence in determining
e o	e of	this action. The declarant
he	their	describes the acts of third-
wa	was	parties, which cannot serve as
ur	surf	a basis to bring constitutional
I	I	claims against a public entity.
ssa	ssary.	. (See De Shaney v. Winnebago
		County Department of Social
		Services, 489 U.S. 189, 196;
		Ketchum v. County of
		Alameda, 811 F.2d 1243, 1247
		(9th Cir. 1987).)
24-	24-5:1	1 Objection. The City objects toSUSTAINED
ero	/erdes	this statement as lacking
sto	stop	relevance to the instantOVERRULE
d	ıd	litigation. (Fed. R. Evid. 401, D
erd	erdes	402). The declarant's
abl	able	statements do not make
oui	out	relevant facts more or less
у	by the	probable, and are of no
ire	uired	consequence in determining
oy 1	by the	probable, and are of no

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
to "take a cell phone" with me to	this action.	
the beach, nor should I be		
required travel in a group or		
notify the police in advance		
when I want to visit Lunada Bay		
or other City beaches."		

E. Declaration of BENJAMIN SIOUNIT submitted In support of Plaintiffs' Opposition to City's Motion for Summary Judgment, or in the alternative, Summary Adjudication dated July 31, 2017:

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
49. <u>Paragraph 3, p. 2:-27-</u>	Objection. The City objects	SUSTAINED
3:12	to this statement on the	
I first became aware of the	grounds that it constitutes	_OVERRULED
problem of "localism" in Palos	inadmissible hearsay. (Fed.	
Verdes Estates from then	R. Evid. 801, 802.) The City	
Chief Daniel Dreiling. During	further objects to the extent	
a meeting with the Chief, and	this statement lacks	
in the months that followed, I	relevance. (Fed. R. Evid.	
learned that surfers and others	401, 402.) For example,	
from out of the area were not	whether or not "surfers and	
welcomed by the residents of	others from out of the area	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Palos Verdes Estates.	were not welcomed by the	
Moreover, I learned that	residents" has no bearing on	
surfers and other beachgoers	the issues in this litigation.	
who are not from Palos Verdes	The timeframe referenced by	
Estates stayed away from the	this declarant is too remote to	
City because they were afraid	have any bearing on the	
of assaults and harassment	specific claims and	
from the local surfers. For	allegations at issue. The	
example, while working for	vague, ambiguous nature of	
Palos Verdes Estates, I learned	this statement lacks requisite	
that some Lunada Bay local	specificity, also rendering it	
surfers had terrorized and	irrelevant. This statement also	
assaulted non-residents and	lacks foundation. "A witness	
vandalized their cars and other	may testify to a matter only if	
property brought to the beach.	evidence is introduced	
If a non-local tried to surf	sufficient to support a finding	
Lunada Bay, the local surfers	that the witness has personal	
known as the "Bay Boys"	knowledge of the matter."	
would make an example out of	(Fed. R. Evid. 602.)	
them. Even people walking	Unspecified awareness of the	
along the bluffs and looking at	subject matter of testimony	
the surf would get harassed. I	fails to establish sufficient	
observed cars that had been	foundation. (See Ward v.	
vandalized. While I worked	First Fed'l Savings Bank, 173	
for the City, it did little to	F.3d 611, 617-618 (7th Cir.	

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
address the problem.	1999).) The City objects to	
	this statement as inadmissible	
	speculation. (See Visser v.	
	Packer Engineering Assocs,	
	Inc., 924 F.2d 655, 659-660	
	(7th Cir. 1991).)	
50. Paragraph 4, p. 3:13-4:2	Objection. The City objects	SUSTAINEI
During the five years I worked	to this statement as	OVERDAM ED
for the City, I did not observe	inadmissible speculation.	OVERRULED
the police department take the	(See Visser v. Packer	
issue of localism seriously and	Engineering Assocs, Inc., 924	
doubt that they do today. For	F.2d 655, 659-660 (7th Cir.	
example, I cannot recall any	1991).) The City objects to	
fulltime police officers	this statement as lacking	
walking down any of the cliffs	relevance to the instant	
to the local beaches to address	litigation. (Fed. R. Evid. 401,	
localism issues. Instead,	402). The declarant's	
occasionally the fulltime	statements do not make	
officers would simply view	relevant facts more or less	
beaches with their binoculars	probable, and are of no	
from the bluff top. But	consequence in determining	
viewing the beach and surf	this action. This statement	
break from the cliff was not an	also lacks foundation. "A	
effective way to police the area	witness may testify to a	
because you cannot hear or see	matter only if evidence is	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
everything. This is especially	introduced sufficient to	
true if you do not understand	support a finding that the	
and have no training in surf	witness has personal	
etiquette. While I am not a	knowledge of the matter."	
surfer, I understand that one	(Fed. R. Evid. 602.)	
technique the locals use to	Unspecified awareness of the	
harass visiting surfers is to	subject matter of testimony	
drop in front of them when	fails to establish sufficient	
they are surfing a wave. They	foundation. (See Ward v.	
sometimes refer to this	First Fed'l Savings Bank, 173	
practice as "burning" the	F.3d 611, 617-618 (7th Cir.	
visiting surfer on a wave. I	1999).) The City further	
recently watched a video clip	objects on the basis that this	
of an event held on Martin	statement constitutes	
Luther King Day 2017 where	inadmissible hearsay	
you can see two women	regarding the video	
surfers burning visiting surfers	referenced. (Fed. R. Evid.	
on waves. The clip shows a	801, 802.)	
couple officers on the cliff		
with binoculars. One Officer		
states: "I'm not a surfer so I		
don't understand surf etiquette,		
and I don't even know what		
dropping in is." I observed		
officers call the local surfers		

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
by name, and engage in		
lengthy, non-work-related		
conversations.		
51. <u>Paragraph 5, p. 4:3-16</u>	This statement also lacks	SUSTAINED
While I worked for the City,	foundation. "A witness may	
he police department provided	testify to a matter only if	_OVERRULED
no trainings on localism, how	evidence is introduced	
the practice violated local	sufficient to support a finding	
ordinances and state law, or	that the witness has personal	
how it could be addressed. In	knowledge of the matter."	
my entire time with the	(Fed. R. Evid. 602.)	
Department, it only mentioned	Unspecified awareness of the	
what it called a "surf issue" a	subject matter of testimony	
couple of times, but never	fails to establish sufficient	
suggested how officers could	foundation. (See Ward v.	
or should address it. Moreover,	First Fed'l Savings Bank, 173	
while the City's police	F.3d 611, 617-618 (7th Cir.	
department had access to a	1999).) The City objects to	
boat, I did not see it being used	this statement as lacking	
to address the issue of local	relevance to the instant	
surfers deterring outsiders	litigation. (Fed. R. Evid. 401,	
from visiting Lunada Bay or	402). The declarant's	
other City beaches. The former	statements do not make	
chief did ask the reserve	relevant facts more or less	
officers to take the quads	probable, and are of no	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
down to the beach to show a	consequence in determining	
police presence; however, the	this action. The timeframe	
quads only had very limited	referenced by this declarant is	
access to the beach and didn't	too remote to have any	
have access to the portion of	bearing on the specific claims	
the beach where the Lunda	and allegations at issue. The	
Bay Boys were surfing at. The	vague, ambiguous nature of	
only quad access was in the	this statement lacks requisite	
400 block of Paso Del Mar	specificity, also rendering it	
close to the "Neighborhood	irrelevant.	
Church" that actually covers		
more of the Rat Beach which		
is part of City of Torrance than		
City of Palos Verdes Estates.		
52. Paragraph 6, p. 4:17-5:5	Objection. The City objects	SUSTAINED
Beyond Lunada Bay, I	to this statement as	
observed unfair treatment	inadmissible speculation.	_OVERRULED
against other visitors to the	(See Visser v. Packer	
City by police officers, which	Engineering Assocs, Inc., 924	
started upon entry into the	F.2d 655, 659-660 (7th Cir.	
City. Most of the patrol time	1991).) The City objects to	
was devoted to the main drives	this statement as lacking	
(Palos Verdes Drive West and	relevance to the instant	
North) as the officers were	litigation. (Fed. R. Evid. 401,	
profiling the individuals	402). The declarant's	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
driving through the City	statements do not make	
coming from San Pedro or	relevant facts more or less	
Torrance. I believe this was an	probable, and are of no	
effort to discourage people	consequence in determining	
from coming to the City.	this action. The timeframe	
Specifically, while I worked	referenced by this declarant is	
for the City, the Palos Verdes	too remote to have any	
Police Department treated	bearing on the specific claims	
residents and those who grew	and allegations at issue. The	
up in Palos Verdes Estates	vague, ambiguous nature of	
differently from non-	this statement lacks requisite	
residents. This was particularly	specificity, also rendering it	
true for people of low	irrelevant. This statement also	
economic status and people of	lacks foundation. "A witness	
color. For example, when a	may testify to a matter only if	
police officer would pull a	evidence is introduced	
resident over for a traffic	sufficient to support a finding	
violation, the officer was more	that the witness has personal	
likely to use his "discretion" to	knowledge of the matter."	
issue a verbal warning for a	(Fed. R. Evid. 602.)	
"minor traffic violation." In	Unspecified awareness of the	
contrast, for nonresidents,	subject matter of testimony	
especially people of color or	fails to establish sufficient	
people driving older or beat-up	foundation. (See Ward v.	
cars, I observed that they were	First Fed'l Savings Bank, 173	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
more likely to be issued an	F.3d 611, 617-618 (7th Cir.	
expensive traffic ticket.	1999).) The City further	
Officers would ask the non-	objects on the basis that this	
residents where they were	statement constitutes	
coming from, and their	inadmissible hearsay. (Fed.	
purpose for being in the City.	R. Evid. 801, 802.)	
This double standard existed		
my entire time with the City.		
53. Paragraph 7, p. 4:6-15	Objection. The City objects	SUSTAINED
While working for the City, I	to this statement as lacking	
frequently patrolled with	relevance to the instant	OVERRULED
different Officers. On one	litigation. (Fed. R. Evid. 401,	
occasion around 2010 or 2011,	402). The declarant's	
the Officer that I was on patrol	statements do not make	
with observed a Hispanic man	relevant facts more or less	
driving a pickup truck that	probable, and are of no	
appeared to be used for	consequence in determining	
gardening. The Officer said to	this action. The timeframe	
me, "I guarantee that guy has	referenced by this declarant is	
no license and is an illegal	too remote to have any	
from Mexico." This was	bearing on the specific claims	
enough for the Officer to pull	and allegations at issue. The	
this man over. It turned out that	vague, ambiguous nature of	
the man did not have a driver's	this statement lacks requisite	
license. Because of this, the	specificity, also rendering it	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Officer used his "discretion" to	irrelevant. The City further	
have the man's work truck	objects on the basis that this	
towed. The Officer made it	statement constitutes	
clear to me that he did not like	inadmissible hearsay. (Fed.	
Hispanic or African American	R. Evid. 801, 802.) This	
people in the City, and that he	statement also lacks	
liked to profile people. And,	foundation. "A witness may	
the Officer laughed about	testify to a matter only if	
impounding the work truck.	evidence is introduced	
	sufficient to support a finding	
	that the witness has personal	
	knowledge of the matter."	
	(Fed. R. Evid. 602.)	
	Unspecified awareness of the	
	subject matter of testimony	
	fails to establish sufficient	
	foundation. (See Ward v.	
	First Fed'l Savings Bank, 173	
	F.3d 611, 617-618 (7th Cir.	
	1999).)	
54. Paragraph 8, p. 5:16-27	Objection. The City objects	SUSTAINED
While I worked with the City,	to this statement as lacking	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
there was a reserve Officer that	relevance to the instant	OVERRULED
frequently worked traffic. In	litigation. (Fed. R. Evid. 401,	
addition to working as a	402). The declarant's	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
reserve officer, his family	statements do not make	
privately owned Van Lingen	relevant facts more or less	
Towing. And, in Palos Verdes	probable, and are of no	
Estates, all impounded	consequence in determining	
vehicles went to his family's	this action. The timeframe	
towing company, including	referenced by this declarant is	
any vehicles for which the	too remote to have any	
reserve Officer had issued a	bearing on the specific claims	
citation. Upon information and	and allegations at issue. The	
belief, before a towed vehicle	vague, ambiguous nature of	
could be released, the owner	this statement lacks requisite	
had to pay: (a) an	specificity, also rendering it	
administrative fee to the City,	irrelevant. This statement	
(b) a "hook up fee" to the	also lacks foundation. "A	
towing company, and (c) a	witness may testify to a	
storage fees to the towing	matter only if evidence is	
company. Further, before the	introduced sufficient to	
towing company would release	support a finding that the	
a vehicle, the owner of the	witness has personal	
vehicle had to show: (d) ID,	knowledge of the matter."	
(e) current vehicle registration,	(Fed. R. Evid. 602.)	
(f) proof of insurance, and (g)	Unspecified awareness of the	
physically return to Palos	subject matter of testimony	
Verdes Police Department to	fails to establish sufficient	
obtain a police department	foundation. (See Ward v.	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
"release."	First Fed'l Savings Bank, 173	
	F.3d 611, 617-618 (7th Cir.	
	1999).)	
55. Paragraph 9, p. 6:28-6:6	Objection. The City objects	SUSTAINED
When I worked for the City, I	to this statement as lacking	
also observed a different	relevance to the instant	_OVERRULED
Officer search for non-resident	litigation. (Fed. R. Evid. 401,	
cars that were parked illegally	402). The declarant's	
so he could have them towed.	statements do not make	
On one occasion, I recall that	relevant facts more or less	
Officer spotted a car parked	probable, and are of no	
with a political campaign	consequence in determining	
sticker supporting President	this action. The timeframe	
Obama with the words "YES	referenced by this declarant is	
WE CAN." The Officer	too remote to have any	
believed the car was parked	bearing on the specific claims	
illegally, looked at me and said	and allegations at issue. The	
"Yes we can!" The Officer	vague, ambiguous nature of	
high fived me and called Van	this statement lacks requisite	
Lingen Towing.	specificity, also rendering it	
	irrelevant. This statement	
	also lacks foundation. "A	
	witness may testify to a	
	matter only if evidence is	
	introduced sufficient to	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
	support a finding that the	
	witness has personal	
	knowledge of the matter."	
	(Fed. R. Evid. 602.)	
	Unspecified awareness of the	
	subject matter of testimony	
	fails to establish sufficient	
	foundation. (See Ward v.	
	First Fed'l Savings Bank, 173	
	F.3d 611, 617-618 (7th Cir.	
	1999).)	
56. Paragraph 10, p. 6:7-12	Objection. The City objects	SUSTAINED
On another occasion, I recall	to this statement as lacking	
an Officer who came across a	relevance to the instant	_OVERRULEI
stranded motorist from out of	litigation. (Fed. R. Evid. 401,	
town who had run out of gas.	402). The declarant's	
Although there was a gas	statements do not make	
station in Palos Verdes	relevant facts more or less	
Estates, it did not take cash	probable, and are of no	
after hours. When the stranded	consequence in determining	
motorist sought help, the	this action. The timeframe	
Officer told the man: "You	referenced by this declarant is	
should have thought about that	too remote to have any	
before you left your town" and	bearing on the specific claims	
left the person stranded.	and allegations at issue. The	

	MATERIAL OBJECTED	GROUNDS FOR	RULING
	TO	OBJECTION(S)	
		vague, ambiguous nature of	
		this statement lacks requisite	
		specificity, also rendering it	
		irrelevant. This statement	
		also lacks foundation. "A	
		witness may testify to a	
		matter only if evidence is	
		introduced sufficient to	
		support a finding that the	
		witness has personal	
		knowledge of the matter."	
		(Fed. R. Evid. 602.)	
		Unspecified awareness of the	
		subject matter of testimony	
		fails to establish sufficient	
		foundation. (See Ward v.	
		First Fed'l Savings Bank, 173	
		F.3d 611, 617-618 (7th Cir.	
		1999).)	
5	57. <u>Paragraph 11, p. 6:13-19</u>	Objection. The City objects	SUSTAINED
	Similarly, as a reserve officer	to this statement as lacking	
V	working for the City, when a	relevance to the instant	_OVERRULED
$\ c$	ear was towed and the owner	litigation. (Fed. R. Evid. 401,	
V	was a non-resident I was told	402). The declarant's	
tl	hat "you are not a taxi service	statements do not make	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
and you better not give anyone	relevant facts more or less	
a ride back to the station or	probable, and are of no	
anywhere else for that matter."	consequence in determining	
Palos Verdes Estates has few	this action. The timeframe	
street lights, and few services.	referenced by this declarant is	
And cell phone service in	too remote to have any	
Palos Verdes Estates can be	bearing on the specific claims	
spotty. Still, we were	and allegations at issue. The	
instructed to leave people on	vague, ambiguous nature of	
the side of the road after	this statement lacks requisite	
towing their vehicle.	specificity, also rendering it	
	irrelevant. This statement	
	also lacks foundation. "A	
	witness may testify to a	
	matter only if evidence is	
	introduced sufficient to	
	support a finding that the	
	witness has personal	
	knowledge of the matter."	
	(Fed. R. Evid. 602.)	
	Unspecified awareness of the	
	subject matter of testimony	
	fails to establish sufficient	
	foundation. (See Ward v.	
	First Fed'l Savings Bank, 173	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
	F.3d 611, 617-618 (7th Cir.	
	1999).)	
58. <u>Paragraph 12, p. 6:20-23</u>	Objection. The City objects	SUSTAINED
During my time working for	to this statement as lacking	
the City, I understood many of	relevance to the instant	_OVERRULED
the residents of Palos Verdes	litigation. (Fed. R. Evid. 401,	
Estates had deep-seated	402). The declarant's	
prejudice to people of color. In	statements do not make	
discussions with some of my	relevant facts more or less	
fellow officers I learned that	probable, and are of no	
some residents did not want an	consequence in determining	
African American police	this action. The fact that the	
officer patrolling their city.	declarant believed "many of	
	the residents" held certain	
	views has no bearing on this	
	litigation. The timeframe	
	referenced by this declarant is	
	too remote to have any	
	bearing on the specific claims	
	and allegations at issue. The	
	vague, ambiguous nature of	
	this statement lacks requisite	
	specificity, also rendering it	
	irrelevant. This statement	
 	also lacks foundation. "A	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		witness may testify to a	
4		matter only if evidence is	
5		introduced sufficient to	
6		support a finding that the	
7		witness has personal	
8		knowledge of the matter."	
9		(Fed. R. Evid. 602.)	
10		Unspecified awareness of the	
11		subject matter of testimony	
12		fails to establish sufficient	
13		foundation. (See Ward v.	
14		First Fed'l Savings Bank, 173	
15		F.3d 611, 617-618 (7th Cir.	
16		1999).)	
17	50 Damanul 12 n 624	Ohioation The City ohioate	CLICTAINED
18	59. <u>Paragraph 13, p. 6:24-</u>	Objection. The City objects	SUSTAINED
19	7:9	to this statement as lacking	_OVERRULED
20	Captain Kevin Scroggins, who	relevance to the instant	
21	is African American, was hired	litigation. (Fed. R. Evid. 401,	
22	by the City's police department	402). The declarant's	
23	around March 2008. Captain	statements do not make	
24	Scroggins and I, along with	relevant facts more or less	
25	several other officers, were	probable, and are of no	
26	working a Halloween Party at	consequence in determining	
27	the home of a wealthy couple	this action. The resident's	
28	located along lower Paseo La	alleged complaint has no	

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EVIDENTIARY OBJECTIONS TO EVIDENCE ISO MOTION FOR SUMMARY JUDGMENT

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Cresta. I am informed and	bearing on the issues in this	
believe that Officer Scroggins	litigation. The timeframe	
was accused of acting	referenced by this declarant is	
inappropriately. After the	too remote to have any	
event, the former chief (Dan	bearing on the specific claims	
Dreiling) asked me if I saw	and allegations at issue. The	
Captain Scroggins do anything	vague, ambiguous nature of	
inappropriate during the time	this statement lacks requisite	
we were conducting traffic	specificity, also rendering it	
control for this party. I told	irrelevant. This statement	
him "absolutely not." Captain	also lacks foundation. "A	
Scroggins was fired shorty	witness may testify to a	
after this event. Before this,	matter only if evidence is	
Captain Scroggins had	introduced sufficient to	
complained about illegal	support a finding that the	
discrimination within the Palos	witness has personal	
Verdes Estates Police	knowledge of the matter."	
Department. I was informed by	(Fed. R. Evid. 602.)	
a fellow officer that a resident	Unspecified awareness of the	
that was pulled over by	subject matter of testimony	
Captain Scroggins (who was	fails to establish sufficient	
driving in an unmarked	foundation. (See Ward v.	
detective vehicle and in	First Fed'l Savings Bank, 173	
plainclothes) had complained	F.3d 611, 617-618 (7th Cir.	
about black officers patrolling	1999).)	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
the city.		
60. Paragraph 14, p. 7:10-16	The City objects to this	SUSTAINED
I am a Jewish Iranian	statement as lacking	
American citizen. I try to	relevance to the instant	_OVERRULED
adhere strictly to my religious	litigation. (Fed. R. Evid. 401,	
beliefs and maintain great	402). The declarant's	
pride in my Iranian heritage. I	statements do not make	
immigrated to the United	relevant facts more or less	
States as a teenager after being	probable, and are of no	
granted "refugee asylum"	consequence in determining	
status by the federal	this action. The timeframe	
government due to the	referenced by this declarant is	
severely hostile and targeted	too remote to have any	
anti-Semitic policies in Iran.	bearing on the specific claims	
During the time that I worked	and allegations at issue. This	
for the department, I was	statement also lacks	
subjected to illegal harassment	foundation. "A witness may	
from fellow officers related to	testify to a matter only if	
my race and religious beliefs.	evidence is introduced	
	sufficient to support a finding	
	that the witness has personal	
	knowledge of the matter."	
	(Fed. R. Evid. 602.)	
	Unspecified awareness of the	
	subject matter of testimony	

1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3		fails to establish sufficient	
4		foundation. (See Ward v.	
5		First Fed'l Savings Bank, 173	
6		F.3d 611, 617-618 (7th Cir.	
7		1999).) The City objects to	
8		this statement to the extent	
9		the declarant offers a legal	
10		conclusion regarding "illegal	
11		harassment."	
12	(1 D 115 717		CLICE A DIED
13	61. <u>Paragraph 15, p. 7:17-</u>	Objection. The City objects	SUSTAINED
14	8:8	to this statement as lacking	
15	During a meeting on or about	relevance to the instant	_OVERRULED
16	February 6, 2012, with three	litigation. (Fed. R. Evid. 401,	
17	superiors, I made a formal	402). The declarant's	
18	complaint about the illegal	statements do not make	
19	discrimination that was	relevant facts more or less	
20	directed at me. One of my	probable, and are of no	
21	superiors replied, "let's not go	consequence in determining	
22	there," making it clear that	this action. The timeframe	
23	neither he nor the Department	referenced by this declarant is	
24	had any concern about the	too remote to have any	
25	treatment I received, and did	bearing on the specific claims	
26	not intend to do anything	and allegations at issue. The	
27	about it. Several days later, I	City further objects on the	
28	was asked by two of my	basis that this statement	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
superiors to participate in a	constitutes inadmissible	
meeting that allegedly related	hearsay. (Fed. R. Evid. 801,	
to an internal affairs	802.)	
investigation the Department		
was initiating related to my		
complaints. Instead of		
discussing my complaints,		
they told me that I was being		
terminated and that the order		
to fire me had come down		
from the chief himself which I		
later learned was not true. I		
was handed two documents by		
my supervising Sergeant — a		
resignation letter and a		
termination letter — and told		
to choose between the two.		
After I informed him that I		
was not able to make a		
decision that very moment, he		
said the "offer" of resignation		
was only good for the night.		
Because I did not resign that		
night, I was fired with no		
explanation provided.		

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3			
5	62. <u>Paragraph 16, p. 8:4-10</u>	Objection. The City objects	SUSTAINED
5	In 2016, the former Chief of	to this statement as lacking	OVEDBUILED
	Police reached out to me on an	relevance to the instant	OVERRULED
	unrelated matter. We went to	litigation. (Fed. R. Evid. 401,	
	lunch, and 1 asked him why I	402). The declarant's	
	had been fired. The Chief	statements do not make	
	stated that he did not know	relevant facts more or less	
	that I had been terminated	probable, and are of no	
	until after he saw a lawsuit that	consequence in determining	
	I filed against the Department	this action. The timeframe	
	because he was told that I had	referenced by this declarant is	
	resigned. I learned that one of	too remote to have any	
	my supervising officers had	bearing on the specific claims	
	told the former chief that I had	and allegations at issue. The	
	come in acting all disgruntled,	City further objects on the	
	used profanity, and left the	basis that this statement	
	department on my own free	constitutes inadmissible	
	will which was a total lie.	hearsay. (Fed. R. Evid. 801,	
		802.)	
	63. Paragraph 17, p. 8:11-16	Objection. This statement	SUSTAINED
	In my almost five years	also lacks foundation. "A	
	working as a reserve police	witness may testify to a	OVERRULED
	officer for Palos Verdes	matter only if evidence is	OVERROLLD
	officer for raios verdes	matter only if evidence is	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Estates, I came to believe that	introduced sufficient to	
certain officers make every	support a finding that the	
effort to discourage non-	witness has personal	
residents from visiting the	knowledge of the matter."	
City, including by looking the	(Fed. R. Evid. 602.)	
other way when residents like	Unspecified awareness of the	
the local surfers break the law.	subject matter of testimony	
As in my case, I also believe	fails to establish sufficient	
that there are several rogue	foundation. (See Ward v.	
officers that seem to act with	First Fed'l Savings Bank, 173	
impunity.	F.3d 611, 617-618 (7th Cir.	
	1999).) The City objects to	
	this statement as lacking	
	relevance to the instant	
	litigation. (Fed. R. Evid. 401,	
	402). The declarant's	
	statements do not make	
	relevant facts more or less	
	probable, and are of no	
	consequence in determining	
	this action. The timeframe	
	referenced by this declarant is	
	too remote to have any	
	bearing on the specific claims	
	and allegations at issue. The	

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
	City objects to this statement	
	to the extent the declarant	
	offers a legal conclusion	
	regarding "break[ing] the	
	law."	

F. Declaration of ANDREW WILLIS:

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
64. <u>Paragraph 3, p. 3:7-4:10</u>	Objection. The City objects	SUSTAINED
While Commission	to this statement as lacking	
enforcement staff like me	relevance to the instant	OVERRULED
endeavor to actively monitor	litigation. (Fed. R. Evid. 401,	
activities within California's	402). The Court dismissed	
coastal zone insofar as	Plaintiffs' California Coastal	
possible, we have limited	Act claim early in this	
staffing, a limited budget, and	litigation (See Dkt. No. 84),	
very limited resources. In fact,	and the declarant's statements	
to cover more than 1,250	do not make relevant facts	
shoreline miles, investigate and	more or less probable, and are	
pursue violations	of no consequence in	
administratively, and support	determining this action.	
enforcement pursued in		

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
litigation, there are just 14		
enforcement personnel		
statewide. The enforcement		
team is supported by a single		
in-house lawyer who also		
represents other divisions of the		
Commission and is represented		
in litigation by the California		
Attorney General's Office.		
Thus, given our limited		
resources that must be used to		
cover the Coastal Zone of the		
entire State of California,		
cooperating coastal access		
organizations and private		
citizen lawsuits that seek to		
enforce coastal access laws, or		
that otherwise support open		
access to the state's beaches,		
can also play an important role		
in coastal protection in		
California. Here, while counsel		
in the <i>Spencer</i> matter do not		
represent the Commission, as		
the Commission's Southern		

MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
California Enforcement		
Supervisor, I continue to		
monitor the litigation, and I am		
supportive of Plaintiffs' efforts,		
because of the value assigned		
to public coastal access by the		
State, including Plaintiffs'		
effort to make Palos Verdes		
Estates beaches more		
accessible to all people,		
regardless of where they live or		
their income level. I am also		
supportive of Plaintiffs' efforts		
because my office has limited		
resources to quickly resolve		
every violation of law related		
to access to the coast, and the		
Commission enforcement staff		
is generally limited to		
enforcement of the Coastal Act,		
while Plaintiffs' causes of		
action are more diverse, and		
these other ways to protect and		
ensure access to the States'		
coastal resources can provide		

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
an important complement to		
my role that furthers the		
Commission's objectives. Here,		
the overall situation in the City		
of Palos Verdes Estates		
("City") still requires change		
and improvements to ensure		
public access to Lunada Bay is		
available to all. More		
specifically, I am not satisfied		
that the City's efforts to address		
the illegal exclusionary activity		
on a publicly owned beach has		
fully remedied the situation,		
and steps remain that the City		
should take to improve access		
to Lunada Bay.		
65. Paragraph 4, p. 4:11-19	Objection. The City objects	SUSTAINED
My office has been in	to this statement as lacking	
communication with counsel in	relevance to the instant	OVERRULED
the <i>Spencer</i> matter. As the	litigation. (Fed. R. Evid. 401,	
Southern California	402). The Court dismissed	
Enforcement Supervisor for the	Plaintiffs' California Coastal	
Commission, given the	Act claim early in this	
potential for ongoing	litigation (See Dkt. No. 84),	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
preclusion of coastal access at	and the declarant's statements	
Lunada Bay, I believe the	do not make relevant facts	
Spencer litigation presents	more or less probable, and are	
important issues under the law.	of no consequence in	
Moreover, Plaintiffs' efforts	determining this action. The	
may continue to work as a	City also objects to this	
catalyst to encourage the City	statement on the grounds that	
to survey its options to ensure	the declarant is not qualified	
compliance with respect to	to provide expert opinions.	
laws that support access to	(Fed. Rules Evid. 104(a), 702;	
California's coast. Without	Daubert v. Merrell Dow	
judicial assistance, I am of the	Pharmaceuticals, Inc. (1993)	
opinion that the potential	509 U.S. 579-591.)	
remains that beachgoers are		
being denied access to Lunada		
Bay in violation of the law,		
and, thus, are continuing to		
suffer irreparable harm.		
66. Paragraph 5, p. 4:20-5:2	Objection. The City objects	SUSTAINED
The Coastal Commission	to this statement as lacking	
supports equal justice	relevance to the instant	OVERRULED
requirements that promote	litigation. (Fed. R. Evid. 401,	
equal access to the beach and	402). The Court dismissed	
coastal zones regardless of	Plaintiffs' California Coastal	
where a person lives, and that	Act claim early in this	

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	MATERIAL OBJECTED	GROUNDS FOR	RULING
	ТО	OBJECTION(S)	
I	prohibit discrimination based	litigation (See Dkt. No. 84),	
(on income, wealth, race, color,	and the declarant's statements	
1	national origin, and other	do not make relevant facts	
I	protected categories.' My staff	more or less probable, and are	
ł	have received complaints about	of no consequence in	
1	localism at Lunada Bay, and	determining this action.	
t	that beachgoers are deterred		
f	from visiting out of fear		
(67. Paragraph 6, p. 5:3-15	Objection. The City objects	SUSTAINED
]	In my job as the Southern	to this statement as lacking	
(California Enforcement	relevance to the instant	OVERRULED
	Supervisor for the Commission,	litigation. (Fed. R. Evid. 401,	
I	I support efforts that (a)	402). The Court dismissed	
ľ	provide coastal experiences to	Plaintiffs' California Coastal	
1	lower-income or other	Act claim early in this	
ι	underserved populations, (b)	litigation (See Dkt. No. 84),	
i	increase the number of people	and the declarant's statements	
1	visiting the coast, including	do not make relevant facts	
I	people from inland and poor	more or less probable, and are	
(communities, (c) improve	of no consequence in	
ł	barrier-free access to persons	determining this action.	
1	with disabilities, (d) provide		
7	valuable recreational,		
6	environmental, cultural or		
ł	historical learning experiences,		

MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
(e) mitigate discriminatory		
impact to beachgoers, and		
ensure access to the coast		
without discrimination based		
on income, wealth, race,		
ethnicity, sexual orientation,		
culture, or other protected		
categories; (f) increase		
stewardship of coastal		
resources, and (g) enhance the		
public's coastal experience in a		
way that does not currently		
exist. In this effort, in addition		
to working with non-profit and		
other coastal advocacy groups,		
the Coastal Commission		
occasionally teams up with the		
California State Coastal		
Conservancy, and the State		
Lands Commission.		
68. <u>Paragraph 7, p. 5:16-24</u>	Objection. The City objects	SUSTAINED
In my work as Southern	to this statement as lacking	
California Enforcement	relevance to the instant	OVERRULED
Supervisor for the Commission,	litigation. (Fed. R. Evid. 401,	
I understand that the State	402). The Court dismissed	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Coastal Conservancy	Plaintiffs' California Coastal	
commissioned Probolsky	Act claim early in this	
Research on Public Policy early	litigation (See Dkt. No. 84),	
this year to conduct a survey of	and the declarant's statements	
1,200 California residents,	do not make a fact more or	
which survey was conducted	less probable, and is of no	
between March 23 and March	consequence in determining	
29, 2017. This research is	this action. This statement	
valuable to my work for the	also lacks foundation. "A	
Coastal Commission. This	witness may testify to a matter	
survey found that 71,1% of	only if evidence is introduced	
Californians from inland areas	sufficient to support a finding	
state they wish they could visit	that the witness has personal	
he coast more often. Attached	knowledge of the matter."	
here to as Exhibit 1 is a true	(Fed. R. Evid. 602.)	
and correct copy of what I		
understand to be the California		
State Coastal Conservancy		
Statewide Survey.		
69. Paragraph 8, p. 5:25-6:16	Objection. The City objects	SUSTAINED
In my job as the Southern	to this statement as lacking	
California Enforcement	relevance to the instant	OVERRULED
Supervisor for the California	litigation. (Fed. R. Evid. 401,	
Coastal Commission, I have	402). The Court dismissed	
reviewed State Lands	Plaintiffs' California Coastal	
10,10,000 State Dailes	Traincillo California Coastal	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
Commission and Coastal	Act claim early in this	
Commission records, and I	litigation (See Dkt. No. 84),	
understand from those records	and the declarant's statements	
that Lunada Bay is public trust	do not make relevant facts	
land legislatively granted from	more or less probable, and are	
the State of California to the	of no consequence in	
City of Palos Verdes Estates.	determining this action. The	
More specifically, the State of	City also objects to the extent	
California granted the City of	that the declarant is	
Palos Verdes Estates a	attempting to improperly	
sovereign tide and submerged	summarize or characterize the	
lands trust in 1963, which was	documentary evidence	
amended in 1968. This grant	offered.	
requires and was conditioned		
upon the granted land to be		
used for statewide interests,		
including for "preservation of		
areas for activities such as		
surfing and other water sports,		
and the natural beauty and		
biological resources and		
activities related thereto"		
(Chap. 1975, Stats. 1963; Chap.		
316, Stats. 1968) Further, the		
City cannot at any time grant,		

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION(S)	RULING
convey, give or alienate such		
lands, or any part thereof, to		
any individual, firm or		
corporation for any purposes		
whatever" And, "[i]n the		
management, conduct,		
operation and control of said		
lands or any improvements,		
betterments, or structures		
thereon, the city or its		
successors shall make no		
discrimination in rates, tolls or		
charges for any use or service		
in connection therewith." And,		
the State "reserve[s] to the		
people of California the right to		
fish in the waters on said lands		
with the right of convenient		
access to said water over said		
lands for said purpose."		
Attached hereto as Exhibits 2		
and 3 are true and correct		
copies of Statutes of 1963		
relating to tide and submerged		
lands granted in trust to the		

	MATERIAL OBJECTED	GROUNDS FOR	RULING
	TO	OBJECTION(S)	
	City of Palos Verdes Estates,		
	and the 1968 amendment.		
	70. Paragraph 9, p. 6:17-25	Objection. The City objects	SUSTAINED
	Upon information and belief,	to this statement as lacking	
1	the "Master Plan for Palos	relevance to the instant	_OVERRULED
	Verdes Estates Shoreline	litigation. (Fed. R. Evid. 401,	
	Preserve" was adopted by the	402). The Court dismissed	
(City on March 10, 1970. The	Plaintiffs' California Coastal	
	Master Plan recognizes certain	Act claim early in this	
	recreational opportunities on	litigation (See Dkt. No. 84),	
	the Palos Verdes Estates	and the declarant's statements	
	coastline, including surfing,	do not make relevant facts	
	scuba diving, swimming, and	more or less probable, and is	
	boating. Further, it	of no consequence in	
	recommended delineation and	determining this action.	
	improvement of access trails to		
	encourage the activities while		
	promoting public safety — and		
	identified Lunada Bay as being		
	an area where reasonably safe		
	trails should be improved and		
	provided. And Lunada Bay was		
	to be considered as an		
	improved viewing site.		
	Attached hereto as Exhibit 4 is		

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MATERIAL OBJECTE	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
a true and correct cope of the		
City of Palos Verdes Estates		
Shoreline Preserve Master		
Plan.		
71. <u>Paragraph 10, p. 6:26-</u>	Objection. The City objects	SUSTAINED
<u>7:10</u>	to this statement as lacking	
Upon information and belief	relevance to the instant	OVERRULED
after the State's substantial-	litigation. (Fed. R. Evid. 401,	
compliance investigation, the	e 402). The Court dismissed	
State confirmed that the gran	nt Plaintiffs' California Coastal	
to the City including Lunada	Act claim early in this	
Bay was to be used "for	litigation (See Dkt. No. 84),	
purposes in which there is a	and the declarant's statements	
general statewide interest."	do not make relevant facts	
Attached hereto as Exhibit 5	is more or less probable, and are	
a Staff Report from the State	of no consequence in	
Lands Commission dated	determining this action.	
8/20/1981. Also, according t	o a	
1991 Coastal Commission S	taff	
Report, "[t]he city has provid	led	
the general location of 16		
accessways in the Shoreline		
Preserve Master Plan (Exhib	its	
3-4)". But the City was to		
"adopt a policy that supports		

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MATERIAL OBJECTED	GROUNDS FOR	RULING
ТО	OBJECTION(S)	
appropriate public action to		
retain and improvethe City's		
accessways including the		
erection of signs to inform the		
public of the existence and		
nature of the Shoreline		
Preserve and locations of		
improved public accessways to		
the shore" Attached hereto as		
Exhibit 6 is a July 1, 1991 Staff		
report to the California Coastal		
Commission on the Palos		
Verdes Estates' Local Coastal		
Program (LCP), which includes		
a Land Use Plan (LUP) and		
Local Implementation Program		
(LIP).		
72. Paragraph 11, p.74:11-18	Objection. The City objects	SUSTAINED
In addition to the Coastal Act,	to this statement as lacking	
the California Constitution	relevance to the instant	OVERRULED
provides that no individual,	litigation. (Fed. R. Evid. 401,	
partnership or corporation	402). The Court dismissed	
possessing frontage or tidal	Plaintiffs' California Coastal	
lands of any navigable water in	Act claim early in this	
the State shall be permitted to	litigation (See Dkt. No. 84),	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3	exclude the right of way to	and the declarant's statements	
4	such waterway whenever it is	do not make relevant facts	
5	required for any public purpose	more or less probable, and are	
6	and that the State shall enact	of no consequence in	
7	laws that give the "most liberal	determining this action.	
8	construction" to this provision		
9	so that "access to navigable		
10	waters of this State shall be		
11	always attainable for the people		
12	thereof." Attached here to as		
13	Exhibit 7 is a true and correct		
14	copy of "Article X Water," Sec.		
15	4, of the California		
16	Constitution.		
17 18	73. Paragraph 12, p. 7:19-23	Objection. The City objects	SUSTAINED
19	As noted above, my office and	to this statement as lacking	SOSTAINED
20	staff have received complaints	relevance to the instant	OVERRULED
20	that locals at Lunada Bay are	litigation. (Fed. R. Evid. 401,	O VERRULED
22	deterring visitors to this area of	402). The Court dismissed	
23	the California coast, which	Plaintiffs' California Coastal	
24	causes the Coastal Commission	Act claim early in this	
25	substantial concern. Moreover,	litigation (See Dkt. No. 84),	
26	along with my staff, I have	and the declarant's statements	
27	come to the conclusion that	do not make relevant facts	
28	Lunada Bay is underutilized by	more or less probable, and are	
۷٥	Lunada Day 15 dilderdillized by	more or less probable, and are	

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2	ТО	OBJECTION(S)	
3	surfers and other beachgoers	of no consequence in	
4	compared to similar prized	determining this action. The	
5	areas of the California coastal	City further objects to this	
6	zone.	statement as inadmissible in	
7		view of the Court's order	
8		denying certification (See Dkt.	
9		No. 225) and striking	
10		significant portions of the	
11		King Declaration restated by	
12		this declarant.	
13	74 D		CLICTAINED
14	74. Paragraph 13, p. 7:23-8:7	Objection. The City objects	SUSTAINED
15	The Coastal Commission has	to this statement as lacking	
16	relied on reports prepared by	relevance to the instant	OVERRULED
17	Dr. Philip King at various times	litigation. (Fed. R. Evid. 401,	
18	related to issues of beach	402). The Court dismissed	
19	valuation and beach counts.	Plaintiffs' California Coastal	
20	Further, I have reviewed Dr.	Act claim early in this	
21	Philip King's declarations (Doc.	litigation (See Dkt. No. 84),	
22	Nos. 182-4 and 216-1) in	and the declarant's statements	
23	support of the Plaintiffs' motion	do not make relevant facts	
24	to support class certification. In	more or less probable, and are	
25	terms of Dr. King using the	of no consequence in	
26	Trestles coastal area in his	determining this action. The	
27	comparator analysis, Trestles is	City further objects on the	
28	within my jurisdiction. I know	basis that this statement	

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MATERIAL OBJEC	CTED	GROUNDS FOR	RULING
ТО		OBJECTION(S)	
the Trestles area coastal	zone	constitutes inadmissible	
well, including from in-	person	hearsay. (Fed. R. Evid. 801,	
visits: Trestles is located	l at the	802.) The City further objects	
northern end of Camp		to this statement as	
Pendleton Marine Base	in San	inadmissible in view of the	
Diego County abutting t	he City	Court's order denying	
of San Clemente at the C	Orange	certification (See Dkt. No.	
County border, and is a	long	225) and striking significant	
beach with several distir	nct	portions of the King	
areas/breaks — from no	rth to	Declaration restated by this	
south these are Cottons,	Upper	declarant.	
Trestles, Barbwires, Lov	wer		
Trestles, Middles and Cl	hurch.		
It is common for surfers	to		
report that they have dri	ven		
long distances, or even f	lown		
from other countries, to	surf		
and visit Trestles areas/b	oreaks.		
75. Paragraph 14, p. 8	3:8-19	Objection. The City objects	SUSTAINED
The Trestles areas/break		to this statement as lacking	
regularly have a large nu		relevance to the instant	OVERRULED
of surfers using them, ar		litigation. (Fed. R. Evid. 401,	
Cottons, Upper Trestles,		402). The Court dismissed	
Lower Trestles are typic		Plaintiffs' California Coastal	
most heavily used. In	-	Act claim early in this	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
reviewing Dr. King's	litigation (See Dkt. No. 84),	
declarations, in my experience	and the declarant's statements	
I concur that the Trestles	do not make relevant facts	
areas/breaks may receive up to	more or less probable, and are	
about 330,000 surf trip visits	of no consequence in	
annually. I understand this	determining this action. The	
number comes from a study	City further objects on the	
that Dr. Chad Nelson	basis that this statement	
conducted, who cites to annual	constitutes inadmissible	
attendance records generated	hearsay. (Fed. R. Evid. 801,	
by State Park lifeguards for this	802.) This statement also	
number.	lacks foundation. "A witness	
https://www.surfrider.org/	may testify to a matter only if	
coastal-blog/entry/	evidence is introduced	
the-economics-of-surfing	sufficient to support a finding	
ftp://reef.csc.noaa.gov/	that the witness has personal	
pub/socioeconomic/	knowledge of the matter."	
NSMS/Califomia/	(Fed. R. Evid. 602.)	
<u>Literature/Nelsen_200</u> 7.pdf.		
In addition to travel, to use the		
Trestles areas/breaks, a surfer		
or other beachgoer is required		
to make a long walk or bike		
ride from the parking area — a		
majority of which requires an		

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1	MATERIAL OBJECTED	GROUNDS FOR	RULING
2 3	ТО	OBJECTION(S)	
	annual \$195 State Park's		
	parking pass or payment of \$15		
	a day to use.		
	76. <u>Paragraph 15, p. 8:20-28</u>	Objection. The City objects	SUSTAINED
	While Lunada Bay is a world	to this statement as lacking	
	class wave like Trestles, unlike	relevance to the instant	_OVERRULED
	Trestles, Lunada Bay has	litigation. (Fed. R. Evid. 401,	
	ample free nearby public	402). The Court dismissed	
	parking. And unlike Trestles,	Plaintiffs' California Coastal	
	Lunada Bay is not bordered by	Act claim early in this	
	a military base, but is fully	litigation (See Dkt. No. 84),	
	surrounded by a more densely	and the declarant's statements	
	populated area. Thus, in	do not make relevant facts	
	consultation with my staff, we	more or less probable, and are	
	concur with Dr. King that	of no consequence in	
	absent the issue of localism,	determining this action. The	
	Lunada Bay should have on	City also objects to this	
	average between 60-75 surfers	statement on the grounds that	
	per day using it during periods	the declarant is not qualified	
	of good waves and a	to provide expert opinions.	
	commensurate number of	(Fed. Rules Evid. 104(a), 702;	
	surfers using it annually. Our	Daubert v. Merrell Dow	
	experience is that Lunada Bay	Pharmaceuticals, Inc. (1993)	
	has far fewer visitors than this,	509 U.S. 579-591.) The City	
	and because of localism, far	further objects to this	

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MATERIAL OBJECTED	GROUNDS FOR	RULING
TO	OBJECTION(S)	
fewer than we would otherwise	statement as inadmissible in	
expect.	view of the Court's order	
	denying certification (See Dkt.	
	No. 225) and striking	
	significant portions of the	
	King Declaration restated by	
	this declarant.	
IT IS SO ORDERED:		

15 Judge of the United States District Court

17 RESPECTFULLY SUBMITTED,

16

18

19

20

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27

IRVINE

Dated: August 7, 2017 **KUTAK ROCK LLP**

By: /s/ Christopher D. Glos Edwin J. Richards

Antoinette P. Hewitt 22 Jacob Song Rebecca L. Wilson 23 Attorneys for Defendants CITY OF PALOS VERDES ESTATES

24 and CHIEF OF POLICE JEFF KEPLEY

25 26

28 KUTAK ROCK LLP - 107 -2:16-cv-02129-SJO-RAO ATTORNEYS AT LAW

EVIDENTIARY OBJECTIONS TO EVIDENCE ISO MOTION FOR SUMMARY JUDGMENT